

SENATE JUDICIARY AFFAIRS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2006 Legislative Session

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JUDICIARY AFFAIRS

IDAPA 11 - IDAHO STATE POLICE

11.10.03 - RULES GOVERNING THE SEX OFFENDER REGISTRY

DOCKET NO. 11-1003-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-3003(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The changes in rule provide clear authorization for the link from the state's Sex Offender Registry Internet site to the National Sex Offender Registry Internet site. It also updates the rules to reflect changes in registration forms used to register sex offenders in the state. There is no change in text from the proposed rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 134 through 138.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no negative fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dawn Peck at (208) 884-7136.

DATED this 1st day of November, 2005.

Colonel R. Dan Charboneau
Director, Idaho State Police
700 S. Stratford
P.O. Box 700
Meridian, ID 83864
(208) 884-7003
(208) 884-7090 fax

JUDICIARY AFFAIRS

IDAHO STATE POLICE
Rules Governing the Sex Offender Registry

Docket No. 11-1003-0501
PENDING RULE

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is August 1, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-3003(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: The changes in rule provide clear authorization for the link from the state's Sex Offender Registry Internet site to the National Sex Offender Registry Internet site. It also updates the rules to reflect changes in registration forms used to register sex offenders in the state.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this temporary rulemaking is necessary to conform within necessary timelines to changes in law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dawn Peck at (208) 884-7136.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2005.

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Docket No. 11-1003-0501
PENDING RULE

DATED this 18th day of August, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. Incorporation By Reference.

There are no incorporation documents in these rules.

(8-1-05)T

005. Office -- Office Hours -- Mailing Address -- Street Address -- Telephone Number -- Internet Website.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho.

(8-1-05)T

02. Mailing Address. The mailing address for the business office is Sex Offender Registry, Idaho State Police, Bureau of Criminal Identification, P.O. Box 700, Meridian, Idaho 83680-0700.

(8-1-05)T

03. Street Address. The business office for the Sex Offender Registry is located at 700 S. Stratford Dr., Meridian Idaho 83642.

(8-1-05)T

04. Telephone. The telephone number for the Sex Offender Registry is 208-884-7305.

(8-1-05)T

05. Internet Websites.

(8-1-05)T

a. The Department's internet website is found at <http://www.isp.state.id.us>. (8-1-05)T

b. The Central Sex Offender Registry internet website is found at http://www.isp.state.id.us/identification/sex_offender/index.html.

(8-1-05)T

006. Public Records Act Compliance.

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 9, Chapter 3, Idaho Code).

(8-1-05)T

~~004006.~~ -- 009.(RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

011. SEX OFFENDER CENTRAL REGISTRY - ADMINISTRATION.

01. Central Registry Established. Pursuant to Title 18, Chapter 83, Idaho Code, the department establishes a sex offender central registry in the bureau of criminal identification. The

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Docket No. 11-1003-0501
PENDING RULE

bureau is responsible for administration of the central registry pursuant to the requirements set forth in Title 18, Chapters 83 and 84, Idaho Code and these rules. (3-18-99)

02. Forms. The following forms and procedures are prescribed for providing notice to and collecting information from persons required to register as a sex offender pursuant to Title 18, Chapters 83 and 84, Idaho Code. ~~(3-18-99)~~(8-1-05)T

a. “Idaho Sex Offender Registry Notification and ~~Initial~~ Registration Form.” ~~(SOR-1)~~ This two (2) page form notifies an offender of the duty to register ~~and obtains information for initial registration with the central registry~~ and collects from an offender information required for first-time registration in a county, annual re-registration in a county, or any change of address or status within the county of residence. ~~The court or appropriate correctional agency shall complete the form with the assistance of the offender required to register. Within three (3) working days of completing the form, the court or correctional agency shall forward the original copy to the bureau.~~ This form is also used for change of name. The court, correctional agency, or the sheriff shall forward the original copy, along with the offender’s photograph and fingerprints, when taken at the sheriff’s department, to the bureau within three (3) working days of completing the form. ~~(3-18-99)~~(8-1-05)T

b. “Local/Annual Registration Form” ~~(SOR-2)~~ collects from an offender information required for first-time registration in a county, annual re-registration, or a change of address or status within the county of residence. Under supervision of the sheriff or the sheriff’s designee, the offender shall complete the form as prescribed by the accompanying instructions. Except when using the form to notify the central registry of a change of address or status, the sheriff shall forward the original copy, along with the offender’s photograph and fingerprints, to the bureau within three (3) working days of completing the form. When using the form to notify a change of address or status, the sheriff shall forward only the original copy of the form to the bureau within three (3) working days of its completion. ~~(5-3-03)~~

c. “Local/Annual Registration Form Addendum” ~~(SOR-3)~~ collects offense information and provides notice of registration requirements to an offender who has not undergone Idaho or local registration previously or who has committed an additional sex offense since last annual registration. Under supervision of the sheriff or the sheriff’s designee, the offender shall complete the form as prescribed by the accompanying instructions. In those cases when appropriate, the sheriff shall attach the form to the SOR-2 form and forward them to the bureau within three (3) working days of their completion. ~~(3-18-99)~~

03. Information Required at Initial Registration. In addition to the information required by Section 18-8307(8), Idaho Code, the “Idaho Sex Offender Registry Notification and ~~Initial~~ Registration Form” ~~(SOR-1)~~ shall collect the following information: ~~(3-18-99)~~(8-1-05)T

a. Whether the offender is registering as an adult under Title 18, Chapter 83, Idaho Code, or as a juvenile under Title 18, Chapter 84, Idaho Code; (3-18-99)

b. Physical description of the offender, including gender, race, height, weight, eye color, hair color, and scars, marks, and tattoos; (3-18-99)

c. Offender’s occupation and name and place of employment; (3-18-99)

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PENDING RULE

d. The name and location of a school, college, or university that the offender attends;
and (3-18-99)

e. Name of the offender's probation/parole officer. (3-18-99)

04. Photographs and Fingerprints. Whenever ~~Form SOR-2~~ the Idaho Sex Offender Registry Notification and Registration Form is used to register an offender who moves into a county or within a county, to re-register an offender annually, or register an offender who resides out of state but is employed in the state or enrolled in an institution of higher learning as defined in Section 18-8304(1)(d), it is submitted to the central registry with the offender's photograph and fingerprints. ~~(5-3-03)(8-1-05)T~~

a. An offender's photograph shall be in color. The sheriff shall forward one (1) photograph of the offender with each registration ~~Form SOR-2~~. Photographs submitted to the central registry shall be a copy of the new photographs taken at the time of each registration. From collected registration fees, the sheriff shall pay to the state the cost of photography materials lawfully required by a state agency or department. ~~(5-3-03)(8-1-05)T~~

b. The sheriff shall submit the required fingerprints on the federal bureau of investigation form FD-249. For each ~~first-time~~ registrant, the sheriff shall forward ~~two one (21)~~ FBI fingerprint cards with each registration Form ~~SOR-2~~. ~~For subsequent annual re-registrations, the sheriff shall forward one (1) FBI fingerprint card with each registration form SOR-2.~~ ~~(5-3-03)(8-1-05)T~~

05. Change of Address or Status Notification. (5-3-03)

a. When an offender changes address or actual residence within a county, the offender will complete within five (5) days after the change ~~Form SOR-2~~ Idaho Sex Offender Registry Notification and Registration Form to provide the required notification. ~~(5-3-03)(8-1-05)T~~

b. When an offender moves to another county to establish permanent or temporary domicile, the offender must register as a new resident with the sheriff having jurisdiction within ten (10) days of moving to the other county. (5-3-03)

c. When an offender moves to another state, the offender shall notify the central registry by certified mail within five (5) days after moving to the other state. (5-3-03)

d. When an offender enrolls as a student at or becomes an employee of a school, college, or university in the state, the offender, whether such enrollment or employment is part-time or full-time and is for more than fourteen (14) days or an aggregate period exceeding thirty (30) days per year, will complete within five (5) days of the commencement of employment or enrollment ~~Form SOR-2~~ the Idaho Sex Offender Registry Notification and Registration Form to provide the required notification. ~~(5-3-03)(8-1-05)T~~

e. When an offender, who is a student at or an employee of a school, college, or university, changes status as a student or employee, the offender will complete within five (5)

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days of the change of status ~~Form SOR-2~~ the Idaho Sex Offender Registry Notification and Registration Form to provide the required notification. ~~(5-3-03)~~(8-1-05)T

f. When a nonresident offender is required to register pursuant to Section 18-8304(1)(d), Idaho Code, the offender must register, within ten (10) days of the commencement of employment or enrollment, with the sheriff having jurisdiction. When the status of such employment or enrollment changes, the offender will complete within five (5) days after the change ~~Form SOR-2~~ the Idaho Sex Offender Registry Notification and Registration Form to provide required notification. ~~(5-3-03)~~(8-1-05)T

06. Notification to Local Law Enforcement. The bureau will provide to a local law enforcement agency on its request a list of registered sex offenders residing in its jurisdiction. The bureau will notify the local law enforcement agency with jurisdiction any time the bureau becomes aware of a change of status or residence of a registered sex offender and of a registered offender's intent to reside in the agency's jurisdiction. Whenever practical, the bureau will provide notification using the Idaho law enforcement telecommunication system (ILETS). (3-18-99)

07. Notification to Other States. Within one (1) working day of receiving notification that a registered sex offender is moving to another state, the bureau will notify the receiving state's designated sex offender registration agency of the move by mail or electronic means. (3-18-99)

08. Expungement of Central Registry Information. (3-18-99)

a. Upon receipt of a certified copy of a death certificate recording the death of a person registered with the central registry, the bureau will expunge all records concerning the person from the central registry. (3-18-99)

b. Upon receipt of a duly attested copy of a pardon issued by the governor of a state as to a conviction reported to the central registry, the bureau will expunge all records concerning the conviction from the central registry. If the pardoned person has no other conviction requiring registration, the bureau will expunge all references concerning the person from the central registry. (3-18-99)

c. Upon receipt of a duly attested document from a court clerk that a conviction previously reported to the central registry has been reversed or dismissed by the court, except where such a dismissal is on a withheld judgment, the bureau will expunge all records concerning the conviction from the central registry. If the person has no other conviction requiring registration, the bureau will expunge all references concerning the person from the central registry. An offender registered for a withheld judgment is required to obtain relief from registration under provisions of Section 18-8310, Idaho Code. (5-3-03)

d. Upon receipt of a duly attested document from a court clerk that a registered sex offender has been released by the court from registration requirements pursuant to Section 18-8310, Idaho Code, the bureau will expunge all records and references concerning the offender from the central registry. (3-18-99)

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09. Correction of Central Registry Information. (3-18-99)

a. A person registered pursuant to Title 18, Chapters 83 or 84, Idaho Code, may submit a written request to the bureau to correct or modify information regarding that person in the central registry for the purpose of making the information accurate and complete. The bureau will respond to the request in writing within thirty (30) days after receipt of the request. When a request is denied, in whole or part, the bureau will explain the reasons for the decision. (3-18-99)

b. A person whose request, under Subsection 011.09.a. of this Section, is denied, in whole or part, may appeal to the director for review of the decision within thirty (30) days after the mailing of the bureau's written response. The appeal must be in writing and must set out the reasons for the appeal. The decision of the director will be in writing and made within forty-five (45) calendar days after the department's receipt of the appeal. (3-18-99)

012. RELEASE OF INFORMATION TO THE PUBLIC.

01. Methods of Access. (8-1-05)T

a. Any person may inquire on a named person or obtain a list of sex offenders by geographic area by submitting a completed Request for Information Form SOR-4 to the bureau or local sheriff. The bureau or sheriff may only provide public access to central registry information by means of a completed Form SOR-4, which must include the requester's full name, address, and either driver's license number or social security number. The bureau or sheriff shall respond to a completed Form SOR-4 within ten (10) working days of receipt. A sheriff may refer a person to the bureau for public access to the central registry. ~~(3-18-99)~~(8-1-05)T

b. Any person can access registration information via an authorized web site. (8-1-05)T

02. **Geographic Lists.** Any person using a Form SOR-4 may request a list of offenders by county or zip code or any person may obtain a list of offenders by county or zip code from the bureau web site. ~~(3-18-99)~~(8-1-05)T

~~03. **Electronic Access.** Schools, state agencies, and organizations working with youth, women or other vulnerable populations may request electronic access to the database of registered offenders maintained by the bureau. The bureau may request information additional to that required by the Form SOR-4 to determine eligibility status for a statewide list.~~ (5-3-03)

043. **Information Released.** Only central registry information authorized for release pursuant to Section 18-8323(2), Idaho Code, may be provided by the bureau or sheriff in response to a completed Form SOR-4 or as a response to a query of the web site. A conviction of incest (Section 18-6602, Idaho Code, or equivalent offense) shall be reported as sexual abuse of a child under sixteen (16) years of age (Section 18-1506, Idaho Code). ~~(3-18-99)~~(8-1-05)T

054. **Fee for Accessing Information.** The bureau shall collect a fee of five dollars (\$5) for each inquiry on a named person or for each request for a list of sex offenders by geographic area. Schools, state agencies, and nonprofit organizations working with youth, women, or other vulnerable populations are exempt from payment of the fee. The bureau may request information

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PENDING RULE

additional to that required by the Form SOR-4 to determine eligibility status for nonfee access to central registry information. A registered offender may request a copy of the offender's own central registry information without payment of a fee. Any person can access registration information without charge on the bureau's web site. ~~(5-3-03)~~(8-1-05)T

065. Photographs. Any person may request the photograph of a registered sex offender by submitting to the bureau a completed Request for Registry Photograph Form SOR-5. The bureau may only provide public access to central registry photographs by means of a completed Form SOR-5, which must include the requester's full name, address, and either driver's license number or social security number. Any person can access registration photos via the bureau's or an authorized web site. ~~(3-18-99)~~(8-1-05)T

076. Fee for Photographs. The bureau shall collect a fee of five dollars (\$5) for each photograph provided in response to a completed Form SOR-5. Any person can access registration photos without charge on the bureau's web site. ~~(3-18-99)~~(8-1-05)T

087. Retention of Request Forms. The bureau and all sheriffs shall retain in their files the original copies of forms SOR-4 and SOR-5 for a period of two (2) years from the date of submission. These forms are available for inspection only by law enforcement and criminal justice agencies. (3-18-99)

JUDICIARY AFFAIRS

IDAPA 11 - IDAHO STATE POLICE

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 85 through 108.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael N. Becar at (208) 884-7251.

DATED this 26th day of October, 2005.

Michael N. Becar
Executive Director
Idaho State Police/Peace Officer Standards and Training
700 S. Stratford Dr.
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7251
(208) 884-7295 (FAX)

The Following Notice Was Published With The Proposed Rule

JUDICIARY AFFAIRS

IDAHO STATE POLICE

Docket No. 11-1101-0501

Rules of the Idaho Peace Officer Standards and Training Council PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 19-5107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Exception language added to Advanced Certificate requirements; updates Level I Reserve curriculum; updates the rules governing the certification of vocational law enforcement programs; and updates the rules governing canine team certification.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting of the rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael N. Becar at (208) 884-7251.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 27th day of July, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS -- WEBSITE.

The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is

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Rules of the Idaho Peace Officer Standards and Training Council PENDING RULE

in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, P.O. Box 700, Meridian, Idaho 83680-0700. The telephone of the office is (208) 884-7250. The facsimile number of the office is (208) 884-7295. The Peace Officer Standards and Training website is <http://www.idaho-post.org>. ~~(3-15-02)()~~

(BREAK IN CONTINUITY OF SECTIONS)

092. LAPSE OF PEACE OFFICER CERTIFICATION.

The certification of any peace officer will be considered lapsed if the officer does not serve as a peace officer in Idaho for three (3) consecutive years. Provided, however, that those persons once POST certified as peace officers who remain in active law enforcement in Idaho will retain their POST certification for purposes of compliance with this rule. The person must satisfy the continuing training requirements of Sections 360 through 363 and work at least one hundred twenty (120) hours active law enforcement per year. This includes administrative, jail, or civil division duty assignments in law enforcement agencies as defined in Section 19-5101(d), Idaho Code. ~~Provided further that those persons once POST certified as peace officers in Idaho who remain in full-time, active law enforcement outside the state of Idaho, without a break in full-time law enforcement, and who attend an approved course of study in Idaho law and pass the POST Idaho law exam may petition the Executive Director for recertification. The Executive Director will have the discretion to grant or deny the petition or may refer the petition to the Council.~~

~~(4-6-05)()~~

01. Three to Five Years. A peace officer who has been out of full-time law enforcement status from three (3) to five (5) years and who wants to be recertified must meet the following POST requirements: (4-6-05)

- a.** Submit a POST Certification Patrol Challenge Packet; (4-2-03)
- b.** Attend an approved course of study in Idaho law and pass the POST Idaho law exam; (4-2-03)
- c.** Pass the following tests administered by a POST Training Specialist: (4-2-03)
 - i.** The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 097.02.b.; (4-2-03)
 - ii.** The POST Firearms Qualification Course; (4-2-03)
 - iii.** The POST Physical Fitness Test Battery; and (4-2-03)
- d.** Satisfy the probationary period requirement of Section 062. (4-2-03)

02. Over Five Years. A peace officer who has been out of full-time law enforcement status for over five (5) years must attend the POST Basic Patrol Academy to be recertified. The

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Rules of the Idaho Peace Officer Standards and Training Council PENDING RULE

Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time law enforcement, the officer was engaged in an occupation requiring law enforcement training, skill, and experience. This evidence must be submitted with a POST Certification Patrol Challenge Packet. Upon receiving a waiver, the officer must meet the following POST requirements:

(4-6-05)

a. Attend an approved course of study in Idaho law and pass the POST Idaho law exam; (4-2-03)

b. Attend and pass Idaho POST-certified courses in Emergency Vehicle Operation, Arrest Techniques, Handgun Retention, and Practical Problems; (4-2-03)

c. Pass the following tests administered by a POST Training Specialist: (4-2-03)

i. The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 097.02.b.; (4-2-03)

ii. The POST Firearms Qualification Course; (4-2-03)

iii. The POST Physical Fitness Test Battery; and (4-2-03)

d. Satisfy the probationary period requirement of Section 062. (4-2-03)

03. Over Eight Years. A peace officer who has been out of full-time law enforcement status for over eight (8) years must attend the POST Basic Patrol Academy to be recertified. No waiver of this requirement will be granted by the Council. (4-6-05)

04. Exception. The provisions of Subsections 092.01 through 092.03 will not apply to officers holding a part-time basic certificate who satisfy the continuing training requirements of Sections 360 through 363 and work at least one hundred twenty (120) hours per year within the law enforcement profession. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

133. MINIMUM TRAINING REQUIREMENTS.

01. Level I Reserve Core Curriculum. Any reserve officer desiring Level I Reserve certification ~~shall~~ must successfully complete the POST Council-approved Level I Reserve core curriculum consisting of ~~one hundred sixty~~ two hundred thirty-three (~~160~~233) hours of training. Part of the ~~one hundred sixty~~ two hundred thirty-three (~~160~~233) hour core curriculum may be taught by uncertified instructors provided the high liability classes as identified by POST are taught by POST-certified instructors. (4-2-03)(____)

02. Curriculum.

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- * -- ~~Shall~~ Must be taught by a Prosecutor.
 ** -- ~~Shall~~ Must be taught by a Judge.
 *** -- ~~Shall~~ Must be taught by a POST-certified Instructor.
 **** -- ~~Shall~~ Must be taught by a Prosecutor and/or a Judge ~~and/or a Prosecutor~~.

| Course | | Hours |
|---------------------------------|---|------------------|
| Law | | |
| * 1. | Probable Cause and Laws of Arrest | 4 |
| * 2. | Constitutional Laws | 4 2 |
| * 3. | Search and Seizure Laws | 6 8 |
| * 4. | Warrantless Arrest Court Procedures & Rules of Evidence | 4 4 |
| * 5. | Laws of Evidence Idaho Criminal Code | 4 8 |
| * 6. | Criminal Law Procedure | 2 |
| * 7. | Civil Law | 2 |
| * 8 6. | Motor Vehicle Law | 4 |
| * 9 7. | Liquor Law | 4 2 |
| | | 22 32 |
| Professional Orientation | | |
| 1. | Ethics, Public Relations and the Role in the Community Career Survival: Police Ethics and Professionalism | 2 8 |
| 2. | Officer Violator Relations | 2 |
| | | 4 8 |
| Police Procedures | | |
| 4. | Radio Procedures | 2 |
| 2 1. | Jail Procedures, Booking, and Fingerprinting | 2 |
| 3 2. | Report Writing and Note Taking | 8 |
| **** 4 3. | Courtroom Testimony Testifying in Court | 2 4 |
| *** 5 4. | Searching Suspects and Handling Prisoners Arrest Control Tactics | 3 8 |
| 6 5. | Building Search | 5 8 |
| *** 7 6. | Emergency Vehicle Operation | 8 24 |
| *** 7. | Firearms | 34 |
| | | 30 88 |
| Patrol Procedures | | |
| 1. | Introduction to Modern Law Enforcement Patrol Procedures | 4 8 |
| 2. | Domestic Disputes | 2 8 |

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| | Course | Hours |
|----------------------------|--|---------------------------|
| 3. | Crimes Against Persons <u>Traffic Control</u> | 2 <u>3</u> |
| 4. | Crimes Against Property | 2 |
| *** 5. | High & Low Risk Stops | 4 |
| | | 14 <u>9</u> |
| | Practical Problems | |
| 4. | Mock Crime Scenes | 2 |
| *** 2 <u>1.</u> | High & Low Risk <u>Traffic Stops</u> | 8 |
| | | 40 <u>8</u> |
| | Investigations | |
| *** 1. | DUI Investigation | 16 |
| 2. | Auto and R.V. Theft | 4 <u>2</u> |
| 3. | Intro to Accident Investigation Module I <u>Traffic Collision</u> | 8 |
| 4. | Preservation of Evidence | 2 |
| 5 <u>4.</u> | Narcotics | 4 |
| 6 <u>5.</u> | Juvenile Procedures | 2 |
| 7 <u>6.</u> | Interview & Interrogation | 4 <u>2</u> |
| 8 <u>7.</u> | Death, Burglary, and Robbery <u>Crime Scene Investigation, Preservation of Evidence, and Fingerprinting</u> | 2 <u>16</u> |
| | | 26 <u>50</u> |
| | Enforcement Skills | |
| *** 1. | Hazardous Materials | 4 <u>8</u> |
| *** 2. | Weapon Retention | 6 <u>8</u> |
| *** 3. | Arrest Techniques <u>Control Tactics</u> | 8 |
| | | 48 <u>24</u> |
| | Firearms Proficiency | |
| *** 1. | Firearms Training, Classroom | 6 |
| *** 2. | Firearms Training, Range | 18 |
| *** 3. | Firearms Qualification | 8 |
| *** 4. | Use of Deadly Force, Legal Aspects | 2 |
| | | 34 |
| | Administrative Matters | |
| 1. | Registration, Explanation of Schedule | 4 <u>2</u> |
| 2. | Written Exam, Course Evaluations | 4 <u>2</u> |
| | | 5 <u>4</u> |
| | Total Number of Training Hours | 460 <u>233</u> |

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| | Course | Hours |
|--|--|-------------|
| Optional Classes | | |
| *** 1. | Side Handle Baton Training & Certification | 42 |
| *** 2. | Intoxilyzer 5000 Training & Certification | 8 |
| 3. | Boating Laws | 4 |
| 4. | Boat Theft | 4 |
| 5. | Crime Scene Sketching | 4.5 |
| 6. | Use of Informants | 2 |
| 7. | Crime Prevention | 2 |
| Total Number of Optional Training Hours | | 27.5 |

(4-2-03)()

03. Documentation of Completed Training. The Council shall accept written certification from the agency head as proof that a reserve officer has satisfactorily completed the required ~~one hundred sixty~~ two hundred thirty-three (160233) hour core curriculum. However, no officer shall be awarded training hours on his POST training record for any training completed which has not been certified by the Council as set out in Sections 281 through 287.

(4-2-03)()

(BREAK IN CONTINUITY OF SECTIONS)

171. LAPSE OF DETENTION OFFICER CERTIFICATION.

The certification of any county detention officer will be considered lapsed if the officer does not serve as a county detention officer in Idaho for three (3) consecutive years. Provided, however, that those persons once POST certified as county detention officers who remain in active law enforcement in Idaho will retain their POST certification for purposes of compliance with this rule. The person must satisfy the continuing training requirements of Sections 360 through 363 and work at least one hundred twenty (120) hours active law enforcement per year. This includes administrative, patrol, or civil division duty assignments in law enforcement agencies as defined in Section 19-5101(d), Idaho Code. ~~Provided further that those persons once POST certified as county detention officers in Idaho who remain in full-time, active law enforcement outside the state of Idaho, without a break in full-time law enforcement, and who attend an approved course of study in Idaho detention legal issues and pass the POST Idaho detention legal issues exam may petition the Executive Director for recertification. The Executive Director will have the discretion to grant or deny the petition or may refer the petition to the Council.~~

(4-6-05)()

01. Three to Five Years. A county detention officer who has been out of full-time law enforcement status from three (3) to five (5) years and who wants to be recertified must meet the following POST requirements:

(4-6-05)

- a. Submit a POST Certification Detention Challenge Packet;

(4-2-03)

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b. Attend an approved course of study in Idaho detention legal issues and pass the POST Idaho detention legal issues exam; (4-2-03)

c. Pass the following tests administered by a POST Training Specialist: (4-2-03)

i. The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.b.; (4-2-03)

ii. The POST Firearms Qualification Course; (4-2-03)

iii. The POST Physical Fitness Test Battery; and (4-2-03)

d. Satisfy the probationary period requirement of Section 062. (7-1-99)

02. Over Five Years. A county detention officer who has been out of full-time law enforcement status for over five (5) years must attend the POST Basic Detention Academy to be recertified. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time law enforcement, the officer was engaged in an occupation requiring law enforcement training, skill, and experience. This evidence must be submitted with a POST Certification Detention Challenge Packet. Upon receiving a waiver, the officer must meet the following POST requirements: (4-6-05)

a. Attend an approved course of study in Idaho detention legal issues and pass the POST Idaho detention legal issues exam; (4-2-03)

b. Attend and pass Idaho POST-certified courses in Arrest Techniques, Handgun Retention, and Practical Problems; (4-2-03)

c. Pass the following tests administered by a POST Training Specialist: (4-2-03)

i. The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.b.; (4-2-03)

ii. The POST Firearms Qualification Course; (4-6-05)

iii. The POST Physical Fitness Test Battery; and (4-6-05)

d. Satisfy the probationary period requirement of Section 062. (7-1-99)

03. Over Eight Years. A county detention officer who has been out of full-time law enforcement status for over eight (8) years must attend the POST Basic Detention Academy to be recertified. No waiver of this requirement will be granted by the Council. (4-6-05)

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202. ADVANCED CERTIFICATE.

01. Requirements. The Advanced Certificate is for individuals who have consciously decided to focus career efforts on public safety communications. A candidate for the Advanced Certificate ~~shall~~ must: ~~(4-2-03)~~()

- a. Possess the Level III Communications Specialist Certificate. (4-2-03)
- b. Have satisfactorily completed five hundred (500) hours of POST-certified communications-related training. (4-2-03)
- c. Have satisfactorily completed both the POST Basic and Advanced Dispatch Academies. (4-2-03)
- d. Have a minimum of ten (10) years of communications specialist experience. (4-2-03)

02. Exception. An applicant who has a minimum of twenty (20) years of communications specialist experience but has not satisfactorily completed the POST Basic and Advanced Dispatch Academies will be eligible for the Advanced Certificate without attending the academies provided he meets all other requirements as set forth in Section 202 of these rules and can pass the final examination for each academy with a minimum score of seventy-five percent (75%). The applicant will be allowed two (2) attempts to pass each examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an applicant fails both attempts or fails to retake the examination within six (6) months, he must successfully complete the POST Basic and Advanced Dispatch Academies to be eligible for the Advanced Certificate. ()

203. -- ~~210~~209.(RESERVED).

210. CANINE EVALUATOR CERTIFICATION.

01. Purpose. Canine Evaluator Certificates are established for the purpose of recognizing competence as an evaluator of police canine teams. ()

02. Certification. The Council will certify applicants who meet the requirements set forth in this section and are deemed qualified by their training and experience to evaluate police canine teams. Certificates will be issued in the areas of Patrol, Tracking, Evidence Search, Controlled Substance Detection, and Explosive Substance Detection. The applicant must show training and experience in each area he is requesting certification in. Certificates will be issued to the agency head for award to the applicant. ()

03. Revocation. Canine Evaluator certification may be revoked by the Council whenever a canine evaluator is deemed to be unqualified to continue evaluating police canine teams. Review of canine evaluator certification may be initiated upon the request of an agency

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head or other reliable source. Such review may also be initiated by the Council in the absence of external requests or complaints. ()

04. Eligibility. To be eligible for the award of a Canine Evaluator Certificate, each applicant must meet the following POST requirements: ()

a. Be a POST-certified or federally commissioned peace, detention, correction, or adult probation and parole officer who is actively involved in a law enforcement canine program; ()

b. Have three (3) years of canine handler experience; ()

c. Have three hundred ninety (390) hours of POST-certified or federally-approved canine-related training; ()

d. Successfully complete the Idaho POST-certified Canine Evaluators course; ()

e. Evaluate seven (7) dogs while under supervision of a current Idaho POST-certified canine evaluator; and ()

f. Submit an Idaho POST Canine Evaluator Application Packet to POST Council, which must include: ()

i. Transcripts, certificates, diplomas, or other documents that substantiate the applicant's education and training in the canine field; and ()

ii. A letter of recommendation from a current Idaho POST-certified canine evaluator. ()

211. CANINE TEAM CERTIFICATION.

These rules are intended to set minimum standards of performance for the certification of Idaho police canine teams. Nothing in these rules is intended to limit the use of canine teams employed by other states or federal agencies for law enforcement purposes, or the use of volunteer canine teams in which the handler is not an Idaho peace, ~~or~~ detention, correction, or adult probation and parole officer. (4-2-03)()

212. DEFINITIONS.

01. Canine Team. A specific person and a specific canine controlled by that person in the capacity of handler, formally assigned by the appointing agency to work together in the performance of law enforcement duties. (3-15-02)

~~**02. Evaluator.** An Idaho POST-certified peace or detention officer or a corrections officer with three (3) years of canine handler experience and three hundred ninety (390) hours of accredited canine training who has been recommended to the Council by the Idaho Police Canine Association and subsequently approved as an Idaho POST-certified instructor of canine subjects for the purpose of testing and certifying canine teams. (3-30-01)~~

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032. Pace. A distance measuring approximately two (2) feet. ~~(3-30-01)~~()

213. GENERAL PROVISIONS.

01. Mandatory Certification. A canine team ~~shall~~ must be Idaho-POST certified in order to perform their duties unless the team is POST-certified in another state or approved by the federal government, in which case they will have six (6) months from the date the canine is put into service in Idaho to obtain Idaho POST certification. The Council, for good cause and in writing, may grant additional time to complete POST certification. ~~(4-2-03)~~()

02. Eligibility. The canine handler ~~shall~~ must be an Idaho POST-certified peace, ~~or~~ detention, correction, or adult probation and parole officer to be eligible for certification under these rules. ~~(4-2-03)~~()

03. Notification of Canine Being Put Into Service. Prior to a canine being put into service, the law enforcement agency head must submit written notification to the Council of such pending action unless the canine team is POST-certified in another state or approved by the federal government, in which case notification must be submitted within fifteen (15) days of the canine being put into service in Idaho. ()

04. Training. ()

a. A patrol canine handler must have completed one hundred sixty (160) hours of POST-approved canine handler training. The training must include, but not be limited to: ()

i. Suspect search; ()

ii. Apprehension; ()

iii. Handler protection; ()

iv. Obedience; and ()

v. Agility. ()

b. A tracking, evidence search, controlled substance detection, or explosive substance detection canine handler must have completed eighty (80) hours of POST-approved canine handler training. The training must include, but not be limited to: ()

i. Obedience; and ()

ii. Odor recognition specific to the area the canine team is seeking certification in. ()

c. A tracking, evidence search, controlled substance detection, or explosive substance detection canine handler cross-trained as a patrol canine handler must have completed two hundred forty (240) hours of POST-approved canine handler training as set forth in Subsections 213.04.a. and 213.04.b. ()

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035. Evaluation. In evaluating the proficiency of the canine teams, the evaluators ~~shall~~ must use the standards ~~promulgated by the Idaho Police Canine Association and~~ approved by the POST Council for that particular skill category. Performance ~~shall~~ will be rated on a pass/fail basis. The evaluator ~~shall~~ will have the discretion to discontinue the testing if excessive time has been spent without results. The evaluator must not be the owner or handler of the canine being evaluated, and must not have a proprietary interest in the training of the canine team being evaluated. A POST Training Specialist, ~~or his designee, shall~~ must be ~~present for~~ notified of all canine certification testing. (4-2-03)()

06. Failed Evaluation. If a canine team fails any portion of an evaluation, the entire evaluation is considered to be failed, and all skills must be repeated and successfully demonstrated during retesting. The canine team must wait at least twenty-four (24) hours before retesting, and they must be retested by the same evaluator that evaluated the failed test or his designee. ()

047. Areas of Certification. The Council ~~shall~~ will certify a canine team which successfully demonstrates the handler's ability to control the canine, under the scrutiny of a canine evaluator, in addition to proficiency in one (1) or more of the following areas: (4-2-03)()

- a. Patrol; (3-30-01)
- b. Tracking; (3-30-01)
- c. Evidence search; (3-30-01)
- d. Controlled substance detection; or (3-30-01)
- e. Explosive substance detection. (3-30-01)

058. Expiration of Certification. Each certification issued pursuant to these rules ~~shall~~ will remain valid for fifteen (15) months. A canine team ~~shall~~ must be evaluated prior to their certification expiration date to maintain their certification. ~~If the canine team fails any portion of an evaluation, they shall be re-evaluated for the failed area.~~ A canine team certification ~~shall~~ will lapse if the ~~specific~~ handler and canine, ~~as originally paired at the time of certification,~~ cease to perform canine team functions together. (4-2-03)()

069. Appeal. Any handler who believes there have been improper procedures applied in implementing the standards may file an appeal with the Idaho Peace Officer Standards and Training Academy in writing. This appeal ~~shall~~ must be filed within thirty (30) days of the testing date. (4-2-03)()

(BREAK IN CONTINUITY OF SECTIONS)

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220. CERTIFICATION TEST.

01. Required Skills. The skills required for certification of a patrol dog team are: (4-2-03)

a. Suspect search; (3-30-01)

b. Apprehension; (3-30-01)

c. Handler protection; and (3-30-01)

d. Obedience-agility. (3-30-01)

02. Failed Evaluation. If a canine team fails any one (1) of the four (4) required skills, the entire evaluation is considered to be failed, and all four (4) skills must be repeated and successfully demonstrated during retesting. ()

023. Conclusion of Evaluation. The patrol dog evaluation ~~shall~~ must be concluded within twenty-four (24) hours. This is to establish that the dog's mental and physical endurance is sufficient to withstand the rigors of active service. (4-2-03)()

221. PERFORMANCE OBJECTIVES.

222. SUSPECT SEARCH.

Under direction and reasonable control, the canine ~~shall~~ must demonstrate the ability to detect and audibly alert the handler to a hidden person in a structure or building and locate a person in an outdoor open area. The handler ~~shall~~ must inform the evaluator of the manner in which the canine alerts prior to the exercise beginning. In a structure or building of at least one thousand five hundred (1,500) square feet with multiple rooms and hiding places, the dog ~~shall~~ must demonstrate the ability to locate a hidden person and audibly alert the handler. In an outdoor area at least one (1) acre in size with multiple hiding locations, the dog ~~shall~~ must demonstrate the ability to locate a hidden person and audibly alert the handler. (4-2-03)()

223. APPREHENSION.

01. Without Contact. While off leash and under direction of the handler, the dog ~~shall~~ must demonstrate the ability to pursue a person acting as a suspect without any physical contact. The police service dog team ~~shall~~ must begin the exercise off leash from a predesignated starting point. While the handler controls the dog, the evaluator ~~shall~~ will signal the "suspect" to visually present himself at a reasonable distance of at least thirty (30) yards from the canine team. The handler ~~shall~~ must verbally challenge the "suspect" to stop. The "suspect" ~~shall~~ will ignore the order and continue to flee. The handler ~~shall~~ must then release the dog in pursuit of the "suspect" and tactically follow the dog, keeping the dog and "suspect" in full view. The "suspect" ~~shall~~ will stop fleeing and stand still. As predetermined by the handler, the dog ~~shall~~ must either return to the handler or stay and guard the "suspect". During this exercise, the dog ~~shall~~ must not make physical contact with the "suspect". (4-2-03)()

02. With Contact. While under control of the handler and with the dog off-leash, the

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dog ~~shall~~ must demonstrate the ability to pursue and apprehend a “suspect” with physical contact. The police service dog team ~~shall~~ must begin the exercise off leash from a predesignated starting point. While the handler controls the dog, the evaluator ~~shall~~ will signal the “suspect” to visually present himself at a reasonable distance of at least thirty (30) yards from the canine team. The handler ~~shall~~ must verbally challenge the “suspect” to stop. The “suspect” ~~shall~~ will ignore the order and continue to flee. The handler ~~shall~~ must then release the dog in pursuit of the “suspect” and tactically follow the dog, keeping the dog and “suspect” in full view. The “suspect” ~~shall~~ will continue to flee. The handler ~~shall~~ must send the dog to physically apprehend the “suspect” and the dog ~~shall~~ must hold the “suspect” until called off (verbal only) by the handler. (4-2-03)(____)

224. HANDLER PROTECTION.

The dog ~~shall~~ must demonstrate the ability to defend the handler without command during a physical attack on the handler by a “suspect”. On verbal command from the handler, the dog ~~shall~~ must cease physical apprehension of the assailant. Upon the dog releasing the “suspect,” the dog ~~shall~~ must assume a guard position while the handler takes control and conducts a “pat down” of the “suspect”. (4-2-03)(____)

225. OBEDIENCE-AGILITY.

The handler ~~shall~~ must demonstrate the ability to control the canine during an obedience performance test. Testing ~~shall~~ will be conducted using reasonable distractions that may be encountered during the performance of law enforcement duties. (4-2-03)(____)

01. Heeling. The canine team ~~shall~~ must demonstrate the ability to perform basic routine left, right, and about turns, both slow and quick pace, on and off leash. Testing ~~shall~~ will consist of two (2) right turns, two (2) left turns, two (2) about turns, and two (2) stop/sits, both on and off leash. (4-2-03)(____)

02. Down in Motion. With the team moving forward, the handler ~~shall~~ must “down” the dog on the evaluator’s command and continue to move forward until the handler reaches a designated point (at least thirty (30) paces away). At the evaluator’s command, the handler ~~shall~~ must recall the dog to the “heel” position by means of voice and/or hand commands. (3-30-01)(____)

03. ~~Down~~ Stay From A Distance. With the dog in a ~~stand~~ down-stay or a sit-stay position, the handler ~~shall~~ must face the dog from a location at least thirty (30) paces away; ~~wait for the evaluator’s signal, then “down” the dog by the means of voice and/or hand signals.~~ After the dog has remained ~~down~~ for five (5) minutes, the handler ~~shall~~ must return to the dog ~~and release him from the down.~~ (3-30-01)(____)

04. Obstacle (At Least Thirty-Six Inches High). From the heel position, and at least two (2) paces in front, the handler ~~shall~~ must command the dog to jump the obstacle and to stay in a sit, stand, or down position on the other side of the obstacle. The handler ~~shall~~ must inform the evaluator prior to the jump what position the dog will assume. The handler ~~shall~~ must then proceed to the dog and command the dog to heel to complete the exercise. (3-30-01)(____)

05. Gunfire Sureness Test (Off-Lead). The handler ~~shall~~ must heel his canine onto the test field. After approximately twenty (20) paces, the handler ~~shall~~ must stop, place his dog in a down or sit, draw a pistol and fire two (2) shots (blanks only). The canine may show interest, but

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no uncontrollable aggression toward the handler or persons in the area. (~~3-30-01~~)()

226. -- 230. (RESERVED).

231. TRACKING DOGS.

The dog ~~shall~~ must demonstrate the ability to follow the ~~steps~~ trail of a person along a track that is four hundred (400) to six hundred (600) paces in length, having two (2) ninety (90) degree turns and aged a minimum of thirty (30) minutes. A cross-track ~~shall~~ will be placed at some point along the third leg as a diversion. The dog ~~shall~~ must not be diverted from the original track.

(~~4-2-03~~)()

232. EVIDENCE SEARCH DOGS.

The dog ~~shall~~ must demonstrate the ability to locate two (2) well-scented, small items that the evaluator has hidden within an eight hundred (800) square yard area. The dog ~~shall~~ and the handler must be out of sight when the items are placed. The handler ~~shall~~ must direct the dog to search systematically. The dog ~~shall~~ must demonstrate the ability to indicate the location of these items as it encounters them.

(~~4-2-03~~)()

233. -- 235~~6~~. (RESERVED).

236~~7~~. DETECTION DOGS.

237~~8~~. CERTIFICATION TEST.

01. Required Skills. Detection dog teams ~~shall~~ must demonstrate the ability to detect substances in buildings (residential and commercial), vehicles (private and commercial), ~~luggage and packages~~ containers, and exterior open areas. During testing, substances ~~shall~~ will be hidden by the evaluator, outside the knowledge of the handler. The canine ~~shall~~ must start the search at a point determined by the handler.

(~~4-2-03~~)()

a. Buildings. The building search ~~shall~~ will consist of an area designated by the evaluator that may vary in size, location, or environment, but ~~shall~~ must consist of at least ~~three~~ four (~~34~~) rooms. Substances ~~shall~~ will be hidden high and low.

(~~3-30-01~~)()

b. Vehicles. The vehicle search ~~shall~~ will consist of at least ~~three~~ four (~~34~~) vehicles which may vary in size, location, or environment. The search ~~shall~~ must include the interior and exterior of the vehicles. Substances may be hidden inside or on the outside of the vehicle.

(~~3-30-01~~)()

c. ~~Luggage and packages~~ Containers. This search ~~shall~~ will consist of at least six (6) ~~pieces of luggage and/or packages~~ containers of different sizes and/or shapes. These pieces may vary in location or environment.

(~~3-30-01~~)()

d. Exterior open areas. The exterior search ~~shall~~ will consist of an area in open air that may vary in size, location, or environment, and may include buried substance.

(~~3-30-01~~)()

02. Basic Control. Each handler ~~shall~~ must demonstrate the ability to control their

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canine. This ~~shall~~ must include “sit,” “stay,” “heel,” and “come” commands. (4-2-03)()

238. ~~TEST CRITERIA.~~

~~The handler shall be evaluated in the following areas:~~ (4-2-03)

~~01. **Control.** Control of the dog.~~ (4-2-03)

~~02. **Recognition.** Recognition of the behavioral changes in the dog.~~ (4-2-03)

~~03. **Search Patterns.** Search patterns, to include:~~ (4-2-03)

~~a. Presentation of the areas to be searched.~~ (3-20-97)

~~b. Manipulation of the environments.~~ (3-20-97)

~~c. Body language which includes negative behavior in the dog (false response, failure to work to the course, etc.) and timeliness of positive and/or negative reinforcement.~~ (3-20-97)

239. SUBSTANCES.

01. Types and Amounts. The types and amounts of substance in each search ~~shall~~ will be at the discretion of the evaluator. Substances ~~shall~~ must be set in place at least thirty (30) minutes prior to each test. (4-2-03)()

~~02. **Human Scent.** Articles containing human scent may be placed in each test area.~~
Pseudo Substances. Pseudo substances must not be used. (4-2-03)()

~~03. **Dangerous Substance.** The handler shall be notified if a dangerous substance being detected by the dog can be accessed by the dog.~~ (4-2-03)

~~04. **Not Readily Accessible.** No explosive or controlled substance other than marijuana shall be hidden in a location readily accessible to the canine.~~ (4-2-03)

240. CONTROLLED SUBSTANCES.

~~01. **Controlled Substances.** Controlled substances ~~shall~~ will consist of, ~~but not be limited to,~~ four (4) main areas. A drug detection dog must locate two (2) finds of each of the following: (4-2-03)()~~

~~a~~**01. Marijuana and Hashish** (two (2) grams or greater). (3-20-97)

~~b~~**02. Cocaine (hydrochloride)** (two (2) grams or greater). (3-20-97)

~~c~~**03. Heroin and Opiate Derivatives** (two (2) grams or greater). (3-20-97)

~~d~~**04. Methamphetamine** (two (2) grams or greater). (3-30-01)

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~~02. Narcotic Detection Dog. It is not required that a narcotic detection dog be trained in all four (4) common fields of controlled substances. However, if the dog is not trained in all four (4) substances, it shall be noted on the evaluation form and in the dog's training records what substances the dog is proficient in detecting.~~ (4-2-03)

241. EXPLOSIVE SUBSTANCES.

~~01. Explosive Substances. Explosive substances shall will consist of, but not be limited to, twelve (12) areas. An explosive detection dog must locate one (1) find of each of the following:~~ (4-2-03)()

~~a01. C-4 Explosive (two (2) grams or greater).~~ (3-30-01)()

~~b02. Pyrodex (two (2) grams or greater).~~ (3-30-01)()

~~e03. Ammonium Nitrate (two (2) grams or greater).~~ (3-30-01)()

~~d04. Detonating Cord (two (2) grams or greater).~~ (3-30-01)()

~~e05. Time Fuse (two (2) grams or greater).~~ (3-30-01)()

~~f06. Nitro Methane (two (2) grams or greater).~~ (3-30-01)()

~~g07. TNT Pentex (two (2) grams or greater).~~ (3-30-01)()

~~h08. Nitro Glycerin Dynamite (two (2) grams or greater).~~ (3-30-01)()

~~i09. Non Nitro Glycerin Dynamite (two (2) grams or greater).~~ (3-30-01)()

~~j10. Sodium Chlorate (two (2) grams or greater).~~ (3-30-01)()

~~k11. Potassium Chlorate (two (2) grams or greater).~~ (3-30-01)()

~~l12. Gun Powder (two (2) grams or greater).~~ (3-30-01)()

~~02. Explosives Detection Dog. It is not required that an explosives detection dog be trained in all twelve (12) common fields of explosive substances. However, if the dog is not trained in all twelve (12) substances, it shall be noted on the evaluation form and in the dog's training records what substances the dog is proficient in detecting.~~ (4-2-03)

242. TESTING PROCEDURE.

~~01. Start of Testing Type of Alert. Prior to the start of the testing, the handler shall must give the evaluator the following information on the type of alert (passive or aggressive):~~ (4-2-03)()

~~a. The type of alert (passive or aggressive).~~ (3-20-97)

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- ~~b.~~ The type of reward (ball, food, towel, praise, etc.). (3-20-97)
- ~~c.~~ The type of substance(s) the dog is trained to detect (dogs shall be evaluated only on the substances with which they have been trained). (3-30-01)
- ~~d.~~ Whether the dog is cross-trained (patrol/drugs/bombs/etc.). (3-20-97)

02. Start and Finish. The evaluator ~~shall~~ will signal the start and finish of each test and ~~shall will~~ allow reasonable time for the team to cover the area and indicate the location of the substance. ~~The evaluator shall have the discretion to discontinue the search if excessive time has been spent on the search without results. Prior to terminating the search the evaluator may give the team the opportunity to note any changes in behavior and research that specific area.~~ (4-2-03)()

03. Positive Alert. The handler ~~shall~~ must verbally indicate to the evaluator that he has a positive alert from his dog and believes that the substance has been found and is in the immediate vicinity. ~~The handler shall indicate the location of the substance to the evaluator. Any false or incorrect alert called by the handler is an automatic failure.~~ (4-2-03)()

(BREAK IN CONTINUITY OF SECTIONS)

321. VOCATIONAL LAW ENFORCEMENT PROGRAM CERTIFICATION/ ~~RECERTIFICATION STANDARDS.~~

~~**01. Purpose.** The purpose of this policy is to verify that the entity seeking vocational law enforcement certification/recertification is in compliance with all standards established by the Department of Education for such programs and by POST for the operation of a basic course. A program seeking certification must first be approved by the Peace Officer Standards and Training Council prior to beginning the certification process. Entities seeking certification and previously certified vocational law enforcement programs are subject to scheduled and unscheduled visits by field training specialists and other members of the Peace Officer Standards and Training Council in which adherence to certification standards will be evaluated. Vocational law enforcement program certification is valid for two (2) years and expires on June 30th of the second year after the program was certified. In order to maintain certified status a vocational law enforcement program must successfully complete the recertification process prior to the expiration date.~~ (7-1-99)

~~**02. Process.**~~ (7-1-99)

~~**a.** The POST Regional Training Specialist will provide guidance and assistance to the prospective vocational law enforcement program by identifying the requirements for certification, and providing an estimate of what needs to be accomplished prior to formally requesting vocational law enforcement program certification status.~~ (7-1-99)

~~**b.** A staff member of Peace Officer Standards and Training will establish a mutually~~

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~~agreeable date for an on-site inspection with the program coordinator and conduct the on-site assessment for vocational law enforcement program certification.~~ (7-1-99)

~~e. A vocational law enforcement program which has been certified is subject to scheduled and unscheduled visits by the field training specialist and other members of the Peace Officer Standards and Training Council to check items required for continued certification.~~ (7-1-99)

~~d. If at any time it is determined that the certified vocational law enforcement program does not meet one (1) or more certification standards, the program will be given a reasonable amount of time to correct the situation, not to exceed sixty (60) days, unless an extension is granted by the POST Council certification committee. The program coordinator will receive written notification of the standards which have not been met and the date when a reassessment will be conducted.~~ (7-1-99)

~~e. A staff member of Peace Officer Standards and Training will conduct the reassessment. If one (1) or more of the standards still have not been met, the Administrator or Board Chairman of the vocational law enforcement program will be notified in writing that upon reassessment the standard has not been met. The program will have a maximum of sixty (60) days to comply with all certification standards, unless an extension is granted by the POST Council certification committee.~~ (7-1-99)

~~f. A staff member of Peace Officer Standards and Training will conduct the second reassessment. If the program is still not in compliance with all certification standards at the time of the second reassessment, the matter will be referred to the POST Council Certification Committee. The committee will review the findings of the second reassessment in which the program was not in compliance with all certification standards and make a recommendation to the POST Council.~~ (7-1-99)

~~g. The POST Council will review the recommendation of the POST Council Certification Committee, giving both the vocational law enforcement program and the POST Council Certification Committee an opportunity to make a verbal presentation, and, based upon all pertinent information, recommend appropriate action.~~ (7-1-99)

~~h. Certification is valid for two (2) years from the date of certification. Vocational law enforcement program certification expires on June 30th of the second year after the program was certified. In order to maintain certification status, a program must successfully complete a recertification process prior to the expiration of the original certification. The recertification will extend the expiration date for two (2) years.~~ (7-1-99)

~~03. Definitions.~~ (7-1-99)

~~a. Vocational Law Enforcement Program. A college/university vocational law enforcement program certified by the Idaho Department of Education with a curriculum based on POST performance objectives for basic training. The curriculum must include the minimum instruction in each topic as described in the POST Rules.~~ (7-1-99)

~~b. Program Coordinator. An individual designated by the college/university who is~~

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~~responsible for the conduct and operation of training conducted by the vocational law enforcement program.~~ (7-1-99)

~~**e.** Vocational Law Enforcement Program Facility. A facility in which training programs are conducted. It houses classrooms and offices for instructors and staff. Other facilities such as a firing range, driver training track, multipurpose training areas, library and satellite locations are considered to be part of such facility but need not be located at the same site.~~ (7-1-99)

~~**d.** Satellite Facility. A facility, located away from the certified vocational law enforcement program facility, which the certified program uses to conduct forty (40) hours or more of mandated training per year. This definition specifically excludes firing ranges, driver training sites and physical fitness or arrest techniques sites which may be located away from the certified program facility.~~ (7-1-99)

~~**e.** Temporary Training Facility. A facility, located away from the certified vocational law enforcement program facility, which the certified program uses to conduct less than forty (40) hours of mandated training per year. This definition specifically excludes firing ranges, driver training sites and physical fitness or arrest techniques sites which may be located away from the certified program facility.~~ (7-1-99)

~~**f.** POST Council Certification Committee. The POST Council Certification Committee reviews the certification and recertification standards and recommends changes as necessary to the POST Council. This committee also reviews the circumstances and facts surrounding the non-compliance with certification standards by any certified vocational law enforcement program in order to make a recommendation to POST Council. This committee is composed of five (5) members selected by the POST Council Chairman.~~ (7-1-99)

~~**g.** Directive. A written statement of policy procedure or rule/regulation addressing certification standards, and made available for inspection and guidance in the operation of the program.~~ (7-1-99)

~~**04. Administration.**~~ (7-1-99)

~~**a.** A vocational law enforcement program shall have an advisory board or committee composed of criminal justice executives of several area agencies/organizations, including the POST Executive Director or his designee.~~ (7-1-99)

~~**b.** Vocational law enforcement programs shall maintain a training record/file on each student attending the program. This file shall include records pertaining to that student while attending that program sufficient to document that all performance objectives have been successfully completed.~~ (7-1-99)

~~**c.** Vocational law enforcement programs shall maintain an administrative file that pertains to each class it conducts. This file shall include curriculum/schedule, attendance records, discipline records, counseling records, test answer sheets, and course evaluation or summary. This file may be combined with the training record/file on each student file specified above at the discretion of the program.~~ (7-1-99)

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~~d. Vocational law enforcement programs shall have a policy on the minimum and maximum number of students in classes. (7-1-99)~~

~~i. Mandated training will not be conducted for classes of less than six (6) students nor more than thirty-five (35). (7-1-99)~~

~~ii. Exceptions to this standard may be granted by the POST Training Specialist in the region where the vocational law enforcement program is located. A written request shall be submitted to the POST Training Specialist and shall specify the reasons why an exception is necessary. The POST Training Specialist shall evaluate the request to determine if sufficient cause exists to grant an exception. If an exception is granted, the POST Training Specialist will document the exception in writing to the program coordinator and forward a copy to the Executive Director of Peace Officer Standards and Training. (7-1-99)~~

~~e. Vocational law enforcement programs shall comply with all administrative procedures set forth in applicable rules promulgated by the POST Council. (7-1-99)~~

~~f. Vocational law enforcement programs shall comply with all requirements of the Idaho Department of Education and the individual institution. (7-1-99)~~

~~g. Vocational law enforcement programs shall have a policy for post-graduation evaluation of entry-level training. (7-1-99)~~

~~i. Shall occur from six (6) months to one (1) year after leaving the program. (7-1-99)~~

~~ii. Shall assess the job-relatedness of entry-level training. (7-1-99)~~

~~05. Facility. (7-1-99)~~

~~a. A vocational law enforcement program shall have scheduled access to a firing range which shall include: (7-1-99)~~

~~i. Shotgun/tear gas capabilities; (7-1-99)~~

~~ii. Adequate facilities for courses prescribed by POST Council; and (7-1-99)~~

~~iii. Adequate storage facility for ammunition at the vocational law enforcement program or range. Facility should have posted signs in accordance with law and should be protected from illegal entry and fire. (7-1-99)~~

~~b. Ranges shall have at least five (5) firing points if used for basic training. (7-1-99)~~

~~c. Vocational law enforcement programs shall be adequately equipped with first-aid equipment. (7-1-99)~~

~~06. Instruction. (7-1-99)~~

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~~a. All instructors must be POST-certified instructors and/or meet the minimum standards established by POST Council within a school calendar year. (7-1-99)~~

~~b. The vocational law enforcement program shall establish quality control methods for ensuring adequate instruction, to include: (7-1-99)~~

~~i. Written student evaluations of instructors; and (7-1-99)~~

~~ii. Lesson plans for all training courses required to be on file at the vocational law enforcement program. (7-1-99)~~

~~(1) Review of curricula and lesson plans to ensure they are in compliance with POST Council requirements. (7-1-99)~~

~~(2) Lesson plans shall be updated on an annual basis. (7-1-99)~~

~~iii. Periodic and random monitoring of instruction provided to ensure that: (7-1-99)~~

~~(1) Lesson plans are being used; (7-1-99)~~

~~(2) Appropriate audio-visual aids are available and used properly; (7-1-99)~~

~~(3) The instructor is holding student attention; (7-1-99)~~

~~(4) The instructor is in control of the students; (7-1-99)~~

~~(5) The instructor is addressing the objectives; and (7-1-99)~~

~~(6) Classroom conditions such as lighting, noise levels and temperature are acceptable. (7-1-99)~~

~~iv. Appropriate action is taken to follow up on any student complaints regarding instructors or the training process. (7-1-99)~~

~~v. Results of testing are analyzed and evaluated. (7-1-99)~~

~~c. The vocational law enforcement program shall maintain an up-to-date copy of the POST Rules Manual provided by Peace Officer Standards and Training. (7-1-99)~~

~~d. The vocational law enforcement program shall comply with all instruction standards established by POST. (7-1-99)~~

~~**07. Satellite Facility. (7-1-99)**~~

~~a. A satellite facility is a facility, located away from the certified vocational law enforcement program facility, which the certified program uses to conduct more than forty (40) hours of mandated training per year. This definition specifically excludes firing ranges, driver training sites, and physical fitness or arrest techniques sites which may be located away from the~~

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~~certified program facility. (7-1-99)~~

~~i. All satellite facilities where mandated training is conducted must meet the standards in the facilities portion of this policy. (7-1-99)~~

~~ii. Satellite facilities must be approved by POST as meeting the standards for facilities before any credit can be awarded for mandated training which is conducted in such a facility. (7-1-99)~~

~~**08. Conduct and Behavior. (7-1-99)**~~

~~a. Any vocational law enforcement student not meeting the POST minimum standards for employment will not be given the final test. (7-1-99)~~

~~b. The vocational law enforcement program shall have a policy on integrity. This should include dishonesty, untruthfulness, or discourtesy to include acts of academic dishonesty and plagiarism. This policy must be reviewed with all vocational law enforcement students upon entry into the program. (7-1-99)~~

~~c. The vocational law enforcement program shall have a policy on social contact between staff, instructors, and students. Associations with vocational school staff must be professional in nature at all times. Students should be expressly prohibited from having social contact, either on or off campus, with any vocational staff or instructor(s) at the vocational law enforcement program. (7-1-99)~~

~~d. Other standards for conduct and behavior that shall be addressed by the vocational law enforcement program shall include: (7-1-99)~~

~~i. Disrupting class; (7-1-99)~~

~~ii. Misconduct; (7-1-99)~~

~~iii. Truthfulness; (7-1-99)~~

~~iv. Courtesy; (7-1-99)~~

~~v. Bigotry; (7-1-99)~~

~~vi. Sexual harassment; (7-1-99)~~

~~vii. Regard for the safety of others; and (7-1-99)~~

~~viii. Sleeping in class. (7-1-99)~~

322. DEFINITIONS.

01. POST Assessment Team. The two POST Regional Training Specialists not currently assigned to the region where the vocational law enforcement program is located. ()

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02. Program Coordinator. An individual designated by the college/university who is responsible for the vocational law enforcement program. ()

03. Satellite Facility. A facility located away from the certified vocational law enforcement program facility which the certified program uses to conduct training. This includes firing ranges, driver training sites, and physical fitness or arrest techniques sites which may be located away from the certified program facility. ()

04. Vocational Law Enforcement Program. A college/university vocational law enforcement program certified by the Idaho Department of Education with a curriculum based on POST performance objectives for basic training. The curriculum must include the minimum instruction in each topic as described in Subsections 075.02.a. and/or 077.02.a. of these rules. ()

05. Vocational Law Enforcement Program Facility. A facility in which training programs are conducted. It houses classrooms and offices for instructors and staff. Other facilities such as a firing range, driver training track, multipurpose training areas, library and satellite locations are considered to be part of such facility but need not be located at the same site. ()

323. GENERAL PROVISIONS.

01. Purpose. Vocational law enforcement program certification is established for the purpose of recognizing those programs whose curriculum is equivalent to the POST Basic Patrol Academy and/or POST Basic Detention Academy. ()

02. Eligibility. To be eligible for vocational law enforcement program certification, the applying entity must be in compliance with all standards established by the Idaho Department of Education for such programs, the curriculum requirements of Subsections 075.02.a. and/or 077.02.a. of these rules, and the requirements in Sections 321 through 329 of these rules. ()

03. Assessment Form. All assessments must be completed on the prescribed form as provided by the POST Council. ()

04. Assessment Visits. Entities seeking vocational law enforcement program certification and those programs already certified will be subject to scheduled and unscheduled visits by the POST Regional Training Specialists and other members of the Peace Officer Standards and Training Council during which adherence to certification standards will be assessed. ()

05. Expiration of Certification. Vocational law enforcement program certification will remain valid for two (2) years. ()

06. Renewal of Certification. To maintain certified status, a vocational law enforcement program must successfully complete the recertification process prior to the expiration of their certification. Upon renewal, the vocational law enforcement program certification will remain valid for another two (2) years. If a program is granted temporary certification, upon approval of full certification status, the program's certification will expire on

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the date it would have expired had full certification initially been granted at time of renewal.

()

324. PROCEDURES.

01. Permission to Proceed. An entity seeking vocational law enforcement program certification must receive permission to proceed from the Peace Officer Standards and Training Council prior to beginning the certification process.

()

02. Assessment. Upon complying with the requirements of Sections 321 through 329 of these rules, the program coordinator for the entity seeking vocational law enforcement program certification must contact a POST Regional Training Specialist to schedule a comprehensive on-site assessment by a POST Assessment Team.

()

a. Upon completion of an on-site assessment, if it is determined that one (1) or more of the requirements for program certification have not been met, the applying entity will be given ninety (90) days to correct the deficiency. Written notification of the requirement(s) not met and the date scheduled for a second on-site assessment of the program will be provided to the program coordinator by the POST Regional Training Specialist.

()

b. Upon completion of an on-site assessment, if it is determined that all requirements for program certification have been met, the POST Council will issue a certificate to the applying entity.

()

325. CERTIFIED VOCATIONAL LAW ENFORCEMENT PROGRAM.

01. Assessment. A POST Assessment Team will contact the program coordinator of the certified vocational law enforcement program to set up a comprehensive on-site assessment. A minimum of two weeks prior notice must be given.

()

02. Failure to Maintain Compliance with Certification Standards. If at any time it is determined that a POST-certified vocational law enforcement program does not meet one (1) or more of the requirements for program certification, the POST Council may suspend the program certification and issue a temporary certification pending corrective action. The vocational law enforcement program will be given a maximum of ninety (90) days from the initial assessment date to correct the deficiency unless an extension is granted by the POST Council. The program coordinator will receive written notification of the requirement(s) not met, and will be contacted by a POST Regional Training Specialist to schedule an on-site reassessment of the program.

()

03. Reassessment. A reassessment of the program will be conducted by a POST Assessment Team. If one (1) or more of the certification standards still have not been met, the administrator and/or advisory board chairman of the vocational law enforcement program will be notified in writing that upon reassessment the standards still have not been met. The POST Council will review the reassessment report and determine whether additional time to correct the deficiency will be granted.

()

04. Second Reassessment. If additional time to correct the deficiency is granted, a

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POST Assessment Team will conduct a second reassessment. If one (1) or more of the certification standards still have not been met, the POST Council will review the findings of the second reassessment. The vocational law enforcement program will be given the opportunity to provide verbal testimony. After reviewing the information, the POST Council will determine whether the program should be certified. ()

326. REQUIREMENTS.

327. ADMINISTRATION.

01. POST Council Administrative Rules. The vocational law enforcement program must maintain access to a current copy of the POST Council's Administrative Rules. ()

02. Advisory Board/Committee. The vocational law enforcement program must have an advisory board/committee comprised of the POST Executive Director or his designee and criminal justice executives from several area agencies/organizations representative of the region the vocational program serves. ()

a. The advisory board/committee must elect a chairman and vice-chairman from among the agency heads on the board/committee. The terms of office should be initially staggered. No chairman or vice-chairman may serve in that capacity for longer than four (4) consecutive years. ()

b. The chairman or vice-chairman is responsible for scheduling and setting the agendas for all advisory board/committee meetings as well as for working with the program coordinator and/or administration of the vocational law enforcement program. The chairman or vice-chairman may perform other duties as necessary. ()

03. Waiver Requests. The chairman of the advisory board/committee may request a waiver from the POST Executive Director for a student who, more than two (2) years prior to application, was convicted of DUI; a misdemeanor other than a sex crime, crime of deceit, or drug offense; driving without privileges; or had his driver's license suspended. ()

a. The advisory board/committee chairman must conduct a thorough background investigation to include the review of all police and court documents, including arrest reports and court dispositions, and a written explanation from the student fully describing the circumstances and disposition of each arrest. ()

b. The advisory board/committee chairman has sole discretion in determining whether a waiver should be requested. The advisory board/committee may be afforded an appeal at the chairman's discretion or if the advisory board/committee has a policy in place. ()

c. If the advisory board/committee chairman determines that a waiver should be pursued, he must submit a written request along with all documentation to the POST Executive Director. The request must indicate that the advisory board/committee is aware of the arrest, has investigated the circumstances surrounding the arrest, and that he recommends approval of a waiver. ()

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d. If the POST Executive Director denies a request for a waiver, the decision is final unless the student obtains employment with an Idaho law enforcement agency and that agency requests a waiver from the POST Council. ()

328. RECORDS.

01. Course File. The vocational law enforcement program must maintain an administrative file on each course it conducts. The file must include the curriculum, the schedule of classes, attendance records, discipline records, counseling records, tests with answer sheets, course summary, and course evaluations. The course file may be combined with the respective student training files at the discretion of the program. ()

02. Application to Attend. Each student must submit an application to attend the vocational law enforcement program and must comply with the policies and minimum standards of both the POST Council and the college. ()

03. Training File. The vocational law enforcement program must maintain a training file on each student attending the program. The file must include sufficient records to document whether the student has successfully completed all performance objectives. The records must be computerized and maintained in a secure database while the student is attending the program. The student training files may be combined with the respective course file at the discretion of the program. ()

04. Instructor File. The vocational law enforcement program must maintain an administrative file on each instructor who teaches for the program. ()

a. For law enforcement personnel, the file must include a copy of the instructor's POST instructor certificate for each subject the instructor teaches, a signed copy of the POST instructor code of ethics, a copy of student evaluations of the instructor for the past year, a copy of the instructor's training record from the past year or some other acceptable documentation that shows that the instructor's instructor certificate is still valid, and any other pertinent information related to the instructor's instructor certification status and/or performance. ()

b. For non-law enforcement personnel, the file must include a copy of the instructor's resume, a signed copy of the POST instructor code of ethics, a copy of student evaluations of the instructor for the past year, a copy of the instructor's training record from the past year, and any other pertinent information related to the instructor's performance. ()

329. MINIMUM ATTENDANCE.

The vocational law enforcement program must have a policy on the minimum number of students in a class. Mandated training will not be conducted for a class of less than six (6) students. Exceptions may be considered by the POST Council upon receipt of a written request from the program coordinator of the vocational law enforcement program specifying why an exception is needed. The POST Council will review the request and determine if sufficient cause exists to grant an exception. Written notification of approval or denial of the request will be provided to the program coordinator. ()

330. POST-GRADUATION EVALUATIONS.

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The vocational law enforcement program must conduct post-graduation evaluations of their entry-level training. The evaluations must occur from six (6) to twelve (12) months after students leave the program, and must assess the job-relatedness of the training provided. ()

331. FACILITIES.

01. First Aid Equipment. All facilities utilized by the vocational law enforcement program must be adequately equipped with first aid equipment. ()

02. Secure Storage for Ammunition. The vocational law enforcement program must have access to an adequate, secure storage facility in which to store ammunition. The facility may be located at the vocational law enforcement program or at the firing range. The facility must have posted signs in accordance with law and must be protected from illegal entry and fire. ()

03. Firing Range. The vocational law enforcement program must have scheduled access to a firing range that has: ()

a. Shotgun/less lethal weapons capabilities; ()

b. Adequate facilities for classes prescribed by the POST Council; and ()

c. At least five (5) firing points if used for basic training. ()

332. INSTRUCTION.

The vocational law enforcement program must comply with all instruction standards established by POST Council and must establish quality control methods to insure adequate instruction is provided. ()

01. Evaluation of Instructors. The students must be given the opportunity to complete written evaluations of every instructor. ()

02. Lesson Plans. ()

a. The vocational law enforcement program must have a lesson plan on file for every training class. ()

b. Lesson plans and curricula must be reviewed on a regular basis and updated if necessary to ensure compliance with POST Council requirements. ()

03. Monitoring of Instruction. The vocational law enforcement program must conduct periodic and random monitoring of the instruction provided to insure that: ()

a. Lesson plans are being used; ()

b. Objectives are being addressed; ()

c. Appropriate audio-visual aids are available and being used properly; ()

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d. The instructor is in control of the class and is holding the students' attention; and ()

e. Classroom conditions such as lighting, noise levels, and temperature are acceptable. ()

04. Follow Up. The vocational law enforcement program must take appropriate action to follow up on any student complaint regarding an instructor or the training process. ()

05. Testing Results. The vocational law enforcement program must analyze and evaluate testing results. ()

333. CONDUCT AND BEHAVIOR.

01. POST Minimum Standards for Employment. Any vocational law enforcement student that does not meet the Minimum Standards for Employment as provided in Sections 050 through 063 of these rules will not be given the final test unless they have been granted a waiver in accordance with Subsection 327.03 of these rules. ()

02. Code of Conduct/Code of Ethics. Every vocational law enforcement student must attest that he has read, understands, and will abide by the Law Enforcement Code of Conduct as found in Subsection 091.04 of these rules and the Law Enforcement Code of Ethics as adopted by the International Association of Chiefs of Police, 515 North Washington Street, Alexandria, VA 22314. ()

03. Integrity. The vocational law enforcement program must have a policy on integrity. This policy must clearly state that dishonesty, including acts of academic dishonesty and plagiarism; untruthfulness; or discourtesy will not be tolerated. This policy must be reviewed with all vocational law enforcement students upon entry into the program. ()

04. Social Contact. The vocational law enforcement program must have a policy expressly prohibiting students from having social contact, either on or off campus, with any vocational law enforcement program staff member or instructor. Associations between students and vocational law enforcement program staff members or instructors must be professional in nature at all times. ()

05. Other Standards of Conduct and Behavior. The vocational law enforcement program must address other standards of conduct and behavior that reflect good taste, courtesy, consideration, and respect for the rights and privileges of others. Any conduct detrimental to the conduct, efficiency, or discipline of the vocational law enforcement program must be prohibited. ()

~~322. — 333. (RESERVED).~~

~~334. -- 340. (RESERVED).~~

~~334~~**341. STANDARDS FOR CONDUCT AND BEHAVIOR OF POST BASIC TRAINEES.**

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Rules of the Idaho Peace Officer Standards and Training Council **PENDING RULE**

01. Objective. To state in general terms and standards of conduct required of POST Basic trainees; designate the authority for establishing specific requirements of attendees; and make reference to the specific requirements and their acceptance by attendees. (7-1-93)

02. Policy Statement. (7-1-93)

a. As representatives of law enforcement agencies, all trainees are expected to conduct themselves in a manner which will bring credit to the profession. Standards of behavior must reflect good taste, courtesy, consideration and respect for the rights and privileges of fellow trainees and the Idaho Police Academy faculty and community. (7-1-93)

b. Dishonesty, untruthfulness, or discourtesy must not be tolerated. Any conduct detrimental to the conduct, efficiency or discipline of the academy, whether or not specifically stated in the instructions, is prohibited and can be cause for disciplinary action or dismissal from the academy. (7-1-93)

c. For any infraction of the rules, while attending the Academy, the trainee's chief, sheriff, or department head will be made aware of such infraction. (7-1-93)

d. The POST Council shall determine the specific requirements relating to residency, equipment and supplies, and conduct while at the academy. These requirements will accompany the letter of acceptance to the applicant's agency. (7-1-93)

e. Registration at the academy by the attendee shall constitute acceptance by such attendee of the specific requirements and of the general standards stated above. (7-1-93)

342. -- 350. (RESERVED).

335351.SELF-SPONSORED STUDENT PROGRAM SELECTION STANDARDS.

01. Requirement. Every Self-Sponsored Student shall meet the minimum standards for employment (Sections 050 through 063) of this manual. (3-20-97)

02. Procedures. (3-20-97)

a. The applicant shall be required to complete and submit to the POST Council a comprehensive application and personal history packet, along with two (2) sets of fingerprints on FBI applicant fingerprint cards. A non-refundable application fee is required and must accompany the application. (3-20-97)

b. In order to determine the applicant's suitability as a Self-Sponsored Student, the POST Council shall conduct a thorough criminal and personal history background investigation. The fingerprint cards shall be submitted to the Bureau of Criminal Identification, which shall use one (1) set to conduct a statewide search, and shall forward the other set to the FBI for a national criminal history record check. All results of the background investigation will be considered confidential and processed accordingly. (3-20-97)

c. The applicant must also successfully complete a polygraph, psychological

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Rules of the Idaho Peace Officer Standards and Training Council PENDING RULE

evaluation, physical agility test, and a Police Officer Selection written examination approved by POST Council. (3-20-97)

~~336~~352. -- 359.(RESERVED).

JUDICIARY AFFAIRS

IDAPA 11 - IDAHO STATE POLICE

11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS

DOCKET NO. 11-1102-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

033.01.a. and 033.01.b.: Since the rule cannot have retroactive effect, the effective date for mandatory certification was changed from October 1, 2005 to October 1, 2006.

034.03.b.: The language was changed to specifically identify the high liability classes.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin.

The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 109 through 112.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Michael N. Becar at (208) 884-7251.

DATED this 27th day of October, 2005.

Michael N. Becar
Executive Director

JUDICIARY AFFAIRS

IDAHO STATE POLICE
Rules for Juvenile Detention Officers

Docket No. 11-1102-0501
PENDING RULE

Idaho State Police
Peace Officer Standards and Training
700 S. Stratford Dr./P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7251
(208) 884-7295 (FAX)

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 19-5107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Add training and certification requirements for part-time Juvenile Detention Officers.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting of the rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael N. Becar at (208) 884-7251.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 25th day of July, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

JUDICIARY AFFAIRS

IDAHO STATE POLICE
Rules for Juvenile Detention Officers

Docket No. 11-1102-0501
PENDING RULE

010. DEFINITIONS.

01. Basic Juvenile Detention Academy. A basic course of instruction for Juvenile Detention Officers as recognized by POST Council. (3-30-01)

02. Challenge Exam. A test to determine a person's competence for waiver of the basic Juvenile Detention Academy. (3-30-01)

03. Juvenile Detention Center. A facility designed to temporarily detain juveniles who require secure custody for their own or the community's protection in physically restricting facilities. (3-30-01)

04. Juvenile Detention Officer. Any employee of a juvenile detention center which is part of or administered by the county or any political subdivision thereof and who is responsible for the safety, care, protection, and monitoring of juvenile offenders held in the detention center. (3-30-01)

05. Juvenile Training Council. An advisory group to the POST Council that is represented by the Director of the Department of Juvenile Corrections, a Magistrate, a county Juvenile Detention Director, a county Chief Probation Officer, a county Commissioner, and a county Sheriff. The purpose of the Juvenile Training Council is to advise POST Council in the planning, development, and operation of the Juvenile Detention Academy. (3-30-01)

06. Mandatory Certification. To issue a certificate to a juvenile detention officer based upon successful completion of the mandatory training requirements established by POST Council. (3-30-01)

07. Part-Time Juvenile Detention Officer. Any employee of a juvenile detention center which is part of or administered by the county or any political subdivision thereof and who is responsible for the safety, care, protection, and monitoring of juvenile offenders held in the detention center, and does not meet the definition of "employee" as defined in Section 59-1302, Idaho Code. ()

078. Voluntary Certification. To issue a certificate to a juvenile detention officer based upon successful completion of the voluntary training requirements established by POST Council. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

033. PART-TIME JUVENILE DETENTION OFFICER CERTIFICATION.

01. Certification. The following dates govern mandatory certification: ()

a. If employed after October 1, 2006, any part-time juvenile detention officer must be certified by obtaining mandatory certification from the Peace Officer Standards and Training

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Council within one (1) year of the date the officer was first employed as a part-time juvenile detention officer. ()

b. Part-time juvenile detention officers employed prior to October 1, 2006, must comply with the training and certification provisions of Section 033 by September 30, 2007. ()

02. Minimum Standards. Each applicant must meet the minimum standards for employment and training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of height, weight, fitness, and physical disability which will be left to the discretion of the employing agency. ()

03. Eligibility. To be eligible for the award of the part-time juvenile detention officer certificate, each applicant must meet the definition of part-time juvenile detention officer as defined in Subsection 010.07. ()

04. Supervision. All certified part-time juvenile detention officers must be under the direct supervision of a certified full-time juvenile detention officer. This section is intended to limit the activity of a part-time juvenile detention officer. Each agency must draft its own individual agency policy in reference to the supervision of its certified part-time juvenile detention officers and that policy must be kept on file within each agency. ()

05. Limitation. A part-time juvenile detention officer's certification will be effective only during those periods when he is formally assigned by the appointing agency to perform the duties of a certified part-time juvenile detention officer. ()

034. THE PART-TIME JUVENILE DETENTION OFFICER CERTIFICATE.

The following requirements are necessary for award of the part-time juvenile detention officer certificate: ()

01. Part-Time Juvenile Detention Officer Packet. Any part-time juvenile detention officer desiring part-time juvenile detention officer certification must submit a completed POST Part-Time Juvenile Detention Officer Certification Packet prior to attending any part-time juvenile detention officer training. ()

02. Employment. The applicant must have been employed by the agency at least six (6) months (may include part-time juvenile detention officer training time) prior to being awarded the part-time juvenile detention officer certification. Probationary period may be extended by the agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the department the officer is employed with when applying for certification. Probationary period may not extend over one (1) year for certification purposes. ()

03. Basic Training. The applicant must have completed the POST Part-Time Juvenile Detention Officer Training and must have passed the POST part-time juvenile detention officer certification examination approved by the Council. The applicant will be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. ()

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a. Any part-time juvenile detention officer desiring part-time juvenile detention officer certification must successfully complete the POST Council-approved Part-Time Juvenile Detention Officer Training of no less than forty (40) hours, to include, but not be limited to, items outlined in IDAPA 05.01.02, "Rules of the Idaho Department of Juvenile Corrections, Secure Juvenile Detention Facilities," Subsection 212.05. ()

b. Portions of the core curriculum may be taught by uncertified instructors. However, Legal and Liability for Juvenile Detention Officers, Verbal Judo, and Appropriate Use of Force must be taught by POST-certified instructors. ()

c. The officer will be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%) or better. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. ()

d. The Council will accept written certification from the agency head as proof that a part-time juvenile detention officer has successfully completed the required core curriculum. ()

04. Part-Time Juvenile Detention Orientation Training. Successful completion of supervised part-time juvenile detention orientation training in the employing department is required. Evidence of such training must be submitted by applicant's employer to POST Council. ()

05. Applications for Certification. All applications for award of the Part-Time Juvenile Detention Officer Certificate must be completed on the prescribed form "Application for Certification" as provided by the POST Council. The Application for Certification form must be submitted by the officer/applicant to the applicant's department head, who will forward the application to the Council. Certificates will be issued to the department head for award to the applicant. ()

06. Retaining Certification. A certified part-time juvenile detention officer must work sixty (60) hours annually in a juvenile detention officer capacity to retain certification. Documentation of hours worked must be kept on file at the appointing agency. Any part-time juvenile detention officer working less than sixty (60) hours annually must complete all requirements set forth in Section 033 to be recertified. ()

07. Decertification. The Council may decertify any part-time juvenile detention officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03. ()

08. Full-Time Juvenile Detention Officer Status. To be certified as a full-time juvenile detention officer, a certified part-time juvenile detention officer, upon appointment to full-time juvenile detention officer status, must comply with the requirements in Sections 030 and 031. ()

~~033~~035. -- 999.(RESERVED).

JUDICIARY AFFAIRS

IDAPA 11 - IDAHO STATE POLICE

11.11.04 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

DOCKET NO. 11-1104-0501 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is July 1, 2005. This pending rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

(1) Slightly modified the definition of “correction officer;” (2) Changed the standards for correction officer employment in the areas of misdemeanor convictions, hearing, and vision, as IDOC was unable to hire applicants that met the proposed standards and over 83% of their academy applicants needed waivers from the POST Council in order to be able to attend the academy; and (3) Eliminated unnecessary courses from required curriculum.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Idaho State Police/Peace Officer Standards and Training Council amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 113 through 121.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Michael N. Becar at (208) 884-7251.

JUDICIARY AFFAIRS

IDAHO STATE POLICE

Rules for Correction, Adult Probation and Parole Officers

Docket No. 11-1104-0501 (New Chapter)

PENDING RULE

DATED this 14th day of November, 2005.

Michael N. Becar
Executive Director
Idaho State Police
Peace Officer Standards and Training Council
700 S. Stratford Dr.
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7251
(208) 884-7295 (FAX)

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 19-5107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule establishes the training and certification requirements for Correction Officers and Adult Probation and Parole Officers. This is a new mandate for POST which took affect July 1, 2005.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is

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PENDING RULE

described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting of the rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Michael N. Becar at (208) 884-7251.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 25th day of July, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 11 TITLE 11 CHAPTER 04

11.11.04 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

000. LEGAL AUTHORITY.

01. Section 20-214, Idaho Code. Pursuant to Section 20-214, Idaho Code, the State Board of Correction shall have power and authority to specify the training of such assistants, officers and other persons necessary for the proper and efficient administration of the Department of Correction and the Parole and Probation system. (7-1-05)T

02. Section 19-5109(g), Idaho Code. Pursuant to Section 19-5109(g), Idaho Code, the Peace Officer Standards and Training Council may, upon recommendation of the Correction Standards and Training Council, implement minimum basic training and certification standards for correction officers and for adult probation and parole officers. (7-1-05)T

03. Section 20-241A(3)(c), Idaho Code. Pursuant to Section 20-241A(3)(c), Idaho Code, any contract between the State Board of Correction and a private prison contractor

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Rules for Correction, Adult Probation and Parole Officers

Docket No. 11-1104-0501 (New Chapter)

PENDING RULE

providing for the housing, care, and control of inmates shall require that the private prison contractor provide training to its personnel to a level acceptable to the Idaho Department of Correction. The Idaho Department of Correction may provide training to the personnel of a private prison contractor and may charge a reasonable fee for the training, not to exceed the cost of training. (7-1-05)T

001. TITLE AND SCOPE.

01. Title. These rules will be cited as IDAPA 11.11.04, “Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers,” IDAPA 11, Title 11, Chapter 04. (7-1-05)T

02. Scope. These rules constitute the minimum standards of training, education, employment, and certification of correction officers and adult probation and parole officers in Idaho. (7-1-05)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which might pertain to the interpretation of these rules or to the documentation of compliance with these rules will be available for public inspection and copying at cost to the extent allowed by Title 9, Chapter 3, Idaho Code, at the Department of Correction, 1299 N. Orchard, Suite 110, P.O. Box 83720, Boise, Idaho, 83720-0018 and at the Idaho State Police, Peace Officer Standards and Training, 700 S. Stratford Dr., P.O. Box 700, Meridian, Idaho, 83680-0700. (7-1-05)T

003. ADMINISTRATIVE APPEALS.

Rules of procedure in contested cases will be governed by the Administrative Procedures Act. (Title 67, Chapter 52, Idaho Code). (7-1-05)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (7-1-05)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Idaho State Police, Peace Officer Standards and Training. The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, P.O. Box 700, Meridian, Idaho 83680-0700. The telephone of the office is (208) 884-7250. The facsimile number of the office is (208) 884-7295. (7-1-05)T

02. Idaho Department of Correction. The principal place of business of the Idaho Department of Correction is in Boise, Idaho. The office is located at 1299 North Orchard, Suite 110, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Idaho Department of Correction, P.O. Box 83720, Boise, Idaho 83720-0018. The telephone of the office is (208) 658-2000. The facsimile number of the office is (208) 327-7496. (7-1-05)T

006. PUBLIC RECORDS ACT COMPLIANCE.

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PENDING RULE

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (7-1-05)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Adult Probation and Parole Officer. Any employee of the Idaho Department of Correction who is responsible for the supervision of offenders on probation or parole. (7-1-05)T

02. Basic Adult Probation and Parole Academy. A basic course of instruction for Adult Probation and Parole Officers as recognized by POST Council. (7-1-05)T

03. Basic Correction Academy. A basic course of instruction for Correction Officers as recognized by POST Council. (7-1-05)T

04. Correction Officer. Any employee of an Idaho Department of Correction facility or private prison contractor of the State Board of Correction who is responsible for the ~~safety, care~~ first-line supervision, security, protection, and ~~monitoring~~ risk reduction of offenders housed in the correction facility. (7-1-05)T(7-1-05)T

05. Correction Standards and Training Council. An advisory group to the POST Council that is comprised of members from academia and law enforcement agencies. The purpose of the Correction Standards and Training Council is to advise POST Council in the planning, development, and operation of the Basic Correction Academy and the Basic Adult Probation and Parole Academy. (7-1-05)T

011. -- 020. (RESERVED).

021. CERTIFICATION OF CORRECTION AND ADULT PROBATION AND PAROLE OFFICERS.

022. GENERAL PROVISIONS.

01. POST Basic Correction Academy Costs for Personnel of Private Prison Contractors. Pursuant to Section 20-241A(3)(c), Idaho Code, the Idaho Department of Correction may provide training to personnel of private prison contractors and charge a fee not to exceed the cost of training. Since the Basic Correction Academy is conducted by the Peace Officer Standards & Training Council, any fees collected by the Idaho Department of Correction for attendance at the POST Basic Correction Academy by personnel of private prison contractors must be submitted to the POST Council. (7-1-05)T

02. Property. Certificates and awards remain the property of the Council and are only valid as long as the officer is appointed as an Idaho correction or adult probation and parole officer. (7-1-05)T

03. Eligibility. To be eligible for the award of a Basic Correction Officer certificate, each applicant must be a full-time correction officer or a professional member of the POST

JUDICIARY AFFAIRS

IDAHO STATE POLICE**Rules for Correction, Adult Probation and Parole Officers****Docket No. 11-1104-0501 (New Chapter)****PENDING RULE**

Council staff. To be eligible for the award of a Basic Adult Probation and Parole Officer certificate, each applicant must be a full-time adult probation and parole officer or a professional member of the POST Council staff. (7-1-05)T

04. Applications. All applications for award of certification must be completed by the applicant on the prescribed form "Application for Certification" as provided by the POST Council. (7-1-05)T

05. Submission. The Application for Certification form must be submitted by the applicant to his agency head who must review it for accuracy prior to signing it and forwarding it to the Council. Certificates will be issued to the agency head for award to the applicant. (7-1-05)T

06. Decertification. The Council may decertify any correction or adult probation and parole officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03. (7-1-05)T

~~**07. Minimum Standards.** Each applicant must meet the minimum standards for employment as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Sections 050 through 063, with the exception of hearing, vision, and physical agility. (7-1-05)T~~

~~**a. Hearing.** An applicant for correction officer certification or adult probation and parole officer certification must have unaided or aided hearing between zero (0) and twenty-five (25) decibels for each ear at the frequencies of one thousand (1000) Hz, two thousand (2000) Hz, and three thousand (3000) Hz. Waiver to the above may be considered by the Council if accompanied by an audiologist's or ear, nose, and throat physician's certification that the applicant's condition would not jeopardize or impair the applicant's ability to perform the duties of a correction or adult probation and parole officer. (7-1-05)T~~

~~**b. Vision.** (7-1-05)T~~

~~**i.** An applicant for correction officer certification or adult probation and parole officer certification must possess normal binocular coordination; depth of proficiency of a minimum of one (1) minute of arc at twenty (20) feet; peripheral vision must be binocularly two hundred (200) degrees laterally with sixty (60) degrees upward and seventy (70) degrees downward. There must be no pathology of the eye; applicant must possess seventy percent (70%) proficiency of the Dvorine or equivalent color discrimination test. Waiver to the above may be considered by the Council if accompanied by a vision specialist's certification that the applicant's condition would not jeopardize or impair the applicant's ability to perform the duties of a correction or adult probation and parole officer. (7-1-05)T~~

~~**ii.** The applicant must have uncorrected vision in each eye of no worse than twenty/two hundred (20/200) with the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but must have the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). Waiver to the above may be considered by the Council if accompanied by a vision specialist's certification that the applicant's condition would not jeopardize or impair the applicant's ability to perform the duties~~

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Rules for Correction, Adult Probation and Parole Officers

Docket No. 11-1104-0501 (New Chapter)

PENDING RULE

~~of a correction or adult probation and parole officer.~~

~~(7-1-05)T~~

~~**e.** Physical Agility. An applicant for correction officer certification or adult probation and parole officer certification must pass the POST Physical Agility Test Battery for Correction Officers and Adult Probation and Parole officers.~~

~~(7-1-05)T~~

Sections 023 through 030 Have Been Renumbered to Sections 051 through 060

023. -- 030. (RESERVED).

031. MINIMUM STANDARDS FOR EMPLOYMENT FOR CORRECTION OFFICERS.

Every correction officer must meet the requirements in Sections 031 through 043.

(7-1-05)T

01. Citizenship. Must be a citizen of the United States.

(7-1-05)T

02. Education Requirements.

(7-1-05)T

a. Graduation from high school or having passed the General Educational Development Test indication of high school graduation. The military or veterans equivalent of high school graduation is also acceptable.

(7-1-05)T

b. Documentary evidence of satisfaction of this requirement must be in the form of a high school diploma, high school transcript, GED certificate, or GED test report form. A college transcript indicating the successful completion of a minimum of fifteen (15) academic credits is also acceptable. In unusual circumstances, the Council may accept other documentation, and in such cases the decision of the Council will be final.

(7-1-05)T

03. Experience Requirements.

(7-1-05)T

a. Not less than two (2) years of responsible work experience following high school graduation (or when the applicant would have graduated).

(7-1-05)T

b. The work experience requirement can be complied with by two (2) years of any combination of military service, gainful employment, education, or any other productive activity.

(7-1-05)T

032. CHARACTER

The POST Council may take into consideration the commission of any act or offense involving moral turpitude to ensure an applicant is of good moral character and warrants the public trust. The purpose of this requirement is to prohibit persons who engage in dishonest, unprofessional, unethical, or immoral conduct from becoming correction officers, and to protect against acts or conduct which may endanger the safety and welfare of the public.

(7-1-05)T

033. CRIMINAL RECORD.

01. Fingerprints. The applicant must be fingerprinted on two (2) copies of the

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standard FBI Applicant fingerprint form, and a search made of local, state, and national fingerprint files to disclose any criminal record. The original copies of all records check results must be retained by the POST Council. (7-1-05)T

02. Conviction. The term “conviction” includes: (7-1-05)T

a. Any conviction in a federal, tribal, state, county, or municipal court; (7-1-05)T

b. A voluntary forfeiture of bail, bond, or collateral deposited to secure a defendant’s appearance in court as final disposition; (7-1-05)T

c. The payment of a fine; (7-1-05)T

d. A plea of guilty, nolo contendere; or (7-1-05)T

e. A finding of guilt regardless of whether the sentence is imposed, suspended, deferred, or withheld, and regardless of whether the plea or conviction is set aside or withdrawn, or the case or charge is dismissed, or the record expunged under Section 19-2604, Idaho Code, or any other comparable statute or procedure, where the setting aside of the plea or conviction, or dismissal of the case or charge, or expungement of the record is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the plea, finding of guilt, or conviction. (7-1-05)T

03. Misdemeanor Conviction. A misdemeanor conviction of any federal, state, or local crime may be grounds for rejection of the applicant. (7-1-05)T

a. An applicant must be rejected who has been convicted of any misdemeanor sex crime, crime of deceit, or drug offense unless the conviction occurred more than five (5) years prior to application and the applicant’s agency head files a written request for review with the POST Council. In the case of a willful concealment or petit theft conviction, the applicant may be accepted upon approval of the POST Executive Director. The Executive Director will have the discretion to refer the application to the POST Council. In all other cases, the POST Council must review the application and determine whether the individual will be certifiable as a correction officer in the state of Idaho. (7-1-05)T

b. An applicant with any other misdemeanor conviction will be accepted upon approval of their agency head provided the conviction occurred more than two (2) years prior to application and the applicant's agency head submits written documentation that, with knowledge of the facts and circumstances concerning the offense or violation, he approves the applicant. If the conviction occurred during the two (2) years immediately preceding application, the POST Council must review the application and determine whether the individual will be certifiable as a correction officer in the state of Idaho. (7-1-05)T

04. Felony Conviction. An applicant must be rejected who has been convicted of any felony crime, the punishment for which could have been imprisonment in a federal or state penal institution. For the purpose of this rule, a felony conviction will continue to be considered a felony conviction regardless of whether the conviction is later reduced to a misdemeanor conviction under Section 19-2604, Idaho Code, or any other comparable statute or procedure.

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where the reduction is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the felony conviction. No waivers will be granted by the POST Council, except where, since the time of the conviction, the crime for which the defendant was convicted has, by statute, been reduced to a misdemeanor or decriminalized in the jurisdiction where the conviction occurred. In such cases, the POST Council must review the application and determine whether the individual will be certifiable as a correction officer in the state of Idaho. (7-1-05)T

034. MILITARY RECORD.

A “dismissal,” “bad conduct discharge” (BCD), “dishonorable discharge” (DD), or administrative discharge of other than honorable (OTH) from the military service will disqualify the applicant. The administrative discharge of “general under honorable conditions” (GEN), a “general” discharge, or an “uncharacterized” discharge may be grounds for rejection. (7-1-05)T

035. -- 036. (RESERVED).

037. BACKGROUND INVESTIGATION.

01. Requirements. The applicant must have undergone a comprehensive background investigation, the results of which attest to the fact that the person meets the minimum standards for employment, has not engaged in conduct or a pattern of conduct that would jeopardize public trust in the correction profession, and is of good moral character. Consideration will be given to any and all law violations, including traffic and fish and game infractions or convictions. (7-1-05)T

02. Procedures.

(7-1-05)T

a. The applicant must complete and submit to the appointing correction agency a comprehensive application and personal history statement prior to the start of the background investigation. The history statement must contain questions which aid in determining whether the applicant is eligible for certified status as a correction officer. The background investigation must include information provided by personal references, schools, and the last three (3) previous employers, as well as law enforcement agency records in jurisdictions where the applicant has lived or worked. This information must be recorded and retained by the appointing agency. (7-1-05)T

b. The appointing agency must conduct a personal interview with the applicant to ascertain personal attributes such as personal appearance, demeanor, attitudes that are relevant to the correction mission, judgment, maturity, resourcefulness, and ability to communicate. Searching questions may include, but not be limited to:

(7-1-05)T

i. Use of intoxicants, narcotics and drugs;

(7-1-05)T

ii. Physical, mental, and emotional history;

(7-1-05)T

iii. Family problems;

(7-1-05)T

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iv. Moral outlook and habits; and (7-1-05)T

v. Financial transactions. (7-1-05)T

c. The appointing agency must conduct a thorough investigation into the character and reputation of the applicant which may include, but not be limited to, the applicant's morality, integrity, reputation, honesty, dependability, qualifications, experience, associations, emotional stability, prejudice, and loyalty. (7-1-05)T

d. All results of the background investigation must be considered confidential and processed accordingly. (7-1-05)T

e. The results of the background investigation must ultimately be evaluated by the agency head and/or the appointing authority to determine whether the applicant is suitable. (7-1-05)T

038. PHYSICAL - MEDICAL.

01. Requirements. (7-1-05)T

a. Hearing. The applicant must have unaided or aided hearing between zero (0) and thirty (30) decibels for each ear at the frequencies of one thousand (1000) Hz and two thousand (2000) Hz; and unaided or aided hearing between zero (0) and fifty (50) decibels for each ear at the frequency of three thousand (3000) Hz. Waiver to the above may be considered by the Council if accompanied by an audiologist's or ear, nose, and throat physician's certification that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a correction officer. (7-1-05)T

b. Vision. (7-1-05)T

i. The applicant must demonstrate to a vision specialist the ability to distinguish primary colors. (7-1-05)T

ii. The applicant must have uncorrected vision in each eye of no worse than twenty/two hundred (20/200) with the strong eye corrected to twenty/thirty (20/30) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but must have the strong eye corrected to twenty/thirty (20/30) and the weaker eye corrected to twenty/sixty (20/60). A full eye examination must be administered by an optometrist or ophthalmologist to any applicant whose uncorrected vision in either eye is twenty/one hundred fifty (20/150) or worse. Waiver to the above may be considered by the Council if accompanied by a vision specialist's certification that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a correction officer. (7-1-05)T

c. Disease/Condition. The applicant must be free from any impediments of the senses of sight, hearing, taste, smell, and touch; physically sound; well developed physically and in possession of his extremities; free from any physical defects, chronic or organic diseases, organic or functional conditions, or emotional or mental instabilities which may tend to impair efficient

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performance of duty or which might endanger the lives of others or the life of the officer. Waiver to a physical defect may be considered by the Council upon the applicant's demonstration that the defect does not jeopardize or impair his ability to perform the duties of a correction officer.

(7-1-05)T

d. Physical Agility. The applicant must pass the POST Physical Agility Test for Correction Officers.

(7-1-05)T

02. Procedures.

(7-1-05)T

a. A POST Council-approved medical history form must be supplied by each applicant to the examining physician. The medical history must include information on past and present diseases, injuries and operations.

(7-1-05)T

b. A medical examination must be administered by a licensed physician or his designee to determine if the applicant is free from any physical, emotional, or mental condition which might adversely affect the applicant's ability to perform the duties of a correction officer. The physician must record his findings on the appropriate form or letter and must note thereon, for evaluation by the appointing authority, any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature, or indications of mental or emotional instability.

(7-1-05)T

039. MENTAL EXAMINATION.

01. Requirement. Where a question of emotional stability or disorder is indicated by the physician's report or the background investigation, a thorough evaluation must be made by a licensed psychiatrist or clinical psychologist to determine if the applicant is free from any emotional or mental condition which might adversely affect the applicant's ability to perform the duties of a correction officer.

(7-1-05)T

02. Procedure. During the interview, the examining psychiatrist or psychologist must evaluate the applicant sufficiently to assess those symptoms of a degree that would impair the effective performance of duty. The results of the examination must be recorded and that record or a summary of recommendations must be forwarded to the appointing authority for review.

(7-1-05)T

040. APTITUDE.

The applicant must be evaluated on the agency-approved aptitude test to determine if the applicant possesses the aptitude, capacity, and adaptability for absorbing and understanding the training and skills which are essential to the performance of the correction function.

(7-1-05)T

041. CODE OF CONDUCT/CODE OF ETHICS.

Each applicant must attest that he has read, understands, and will abide by the Law Enforcement Code of Conduct as found in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.04 and the Law Enforcement Code of Ethics as adopted by the International Association of Chiefs of Police, 515 North Washington Street, Alexandria, VA 22314.

(7-1-05)T

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042. PROBATIONARY PERIOD.

01. Probation. Every officer appointed by an agency below the level of agency head must satisfactorily complete a probationary period of not less than six (6) months. This requirement must also apply to officers who transfer laterally into an agency. (7-1-05)T

02. Supervisor/Mid-Manager. Every officer who is promoted or appointed to a supervisory, middle management, or assistant agency head position must satisfactorily complete a probationary period of not less than six (6) months in that position. (7-1-05)T

03. Extended. No correction officer who lacks the training qualifications required by the Council will have his temporary or probationary employment extended beyond one (1) year by renewal of appointment or otherwise. (7-1-05)T

043. SPECIAL PROVISIONS.

01. Minimum Standards. It is emphasized that these are minimum standards for employment. Higher standards are recommended whenever the availability of qualified applicants meets the demand. (7-1-05)T

02. No Discrimination. No agency will discriminate as to employment against any persons on the basis of race, creed, color, or sex, pursuant to state or federal law. (7-1-05)T

03. Equal Opportunity Employer. Every agency must be an equal opportunity employer. (7-1-05)T

044. -- 050. (RESERVED).

02351. LAPSE OF CORRECTION OFFICER CERTIFICATION.

The certification of any correction officer will be considered lapsed if the officer does not serve as a correction officer in Idaho for three (3) consecutive years. (7-1-05)T

01. Three to Five Years. A correction officer who has been out of full-time correction officer status from three (3) to five (5) years and who wants to be recertified must meet the following POST requirements:

(7-1-05)T

a. Submit a POST Certification Correction Challenge Packet; (7-1-05)T

~~**b.** Attend an approved course of study in Idaho correction legal issues and pass the POST Idaho correction legal issues exam;~~ (7-1-05)T

~~**eb.** Pass the following tests administered by a POST Training Specialist:~~ (7-1-05)T

~~i. The POST correction certification examination approved by the Council, conducted in the manner set forth in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 09753.02.b. of these rules; and (7-1-05)T(7-1-05)T~~

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- ~~ii.~~ ~~The POST Firearms Qualification Course;~~ ~~(7-1-05)T~~
- iii. The POST Correction Officer Physical Agility Test ~~Battery~~; and ~~(7-1-05)T~~(7-1-05)T
- ~~dc.~~ Satisfactorily complete a probationary period of not less than six (6) months. (7-1-05)T

02. Over Five Years. A correction officer who has been out of full-time correction officer status for over five (5) years must attend the POST Basic Correction Academy or a POST-certified private prison contractor's correction officer training program to be recertified. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time correction officer status, the officer was engaged in an occupation requiring correction officer training, skill, and experience. This evidence must be submitted with a POST Certification Correction Challenge Packet. Upon receiving a waiver, the officer must meet the following POST requirements:

(7-1-05)T

~~a.~~ ~~Attend an approved course of study in Idaho correction legal issues and pass the POST Idaho correction legal issues exam;~~ ~~(7-1-05)T~~

~~b.~~ ~~Attend and pass Idaho POST-certified courses in Arrest Techniques, Handgun Retention, and Practical Problems;~~ ~~(7-1-05)T~~

~~ea.~~ Pass the following tests administered by a POST Training Specialist: (7-1-05)T

i. The POST correction certification examination approved by the Council, conducted in the manner set forth in ~~IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council,"~~ Subsection 09753.02.b. ~~of these rules; and~~ ~~(7-1-05)T~~(7-1-05)T

~~ii.~~ ~~The POST Firearms Qualification Course;~~ ~~(7-1-05)T~~

iii. The POST Correction Officer Physical Agility Test ~~Battery~~; and ~~(7-1-05)T~~(7-1-05)T

~~db.~~ Satisfactorily complete a probationary period of not less than six (6) months. (7-1-05)T

03. Over Eight Years. A correction officer who has been out of full-time correction officer status for over eight (8) years must attend the POST Basic Correction Academy or a POST-certified private prison contractor's correction officer training program to be recertified. No waiver of this requirement will be granted by the Council. (7-1-05)T

02452. CORRECTION OFFICER CERTIFICATION.

01. Mandatory Certification. Every correction officer employed ~~on or~~ after July 1, 2005 must be certified by the Peace Officer Standards and Training Council within one (1) year after first being appointed unless granted additional time to complete certification by the POST

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Council as set forth in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 030.16. ~~(7-1-05)T~~(7-1-05)T

02. Voluntary Certification. Correction officers employed prior to July 1, 2005, although specifically excluded by law from meeting the requirements set by the Council, may be certified provided they meet the minimum requirements for certification as prescribed in Sections 022, 031 through 043, and 0253 of these rules. However, the requirement for successful completion of the POST Basic Correction Academy will be waived if the officer scores a minimum of seventy-five percent (75%) on the POST correction certification examination approved by the Council. The applicant will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an officer fails both attempts or fails to retake the examination within six (6) months, he must successfully complete the POST Basic Correction Academy to be certified. This option closes on June 30, 2008. ~~(7-1-05)T~~(7-1-05)T

0253. THE BASIC CERTIFICATE.

In addition to the requirements set forth in Sections 022 and 031 through 043 of these rules, the requirements in Section 0253 of these rules are necessary for award of the Basic Correction Officer certificate. ~~(7-1-05)T~~(7-1-05)T

01. Probation. The applicant must have satisfactorily completed at least a six (6) month probationary period, which may include basic correction academy time. The probationary period may be extended by the appointing agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the agency the officer is appointed to when applying for certification. The probationary period must not extend over one (1) year for certification purposes. ~~(7-1-05)T~~

02. Basic Training. The applicant must have satisfactorily completed: ~~(7-1-05)T~~

a. The POST Basic Correction Academy; or ~~(7-1-05)T~~

b. Be a graduate of a private prison contractor's correction officer training program, the curriculum of which has been certified by the Council as being equivalent to the POST Basic Correction Academy, and must have passed the POST correction certification examination approved by the Council. The applicant will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an officer fails both attempts or fails to retake the examination within six (6) months, he must successfully complete the POST Basic Correction Academy to be certified. ~~(7-1-05)T~~

03. Correction Field Training Manual. The applicant must have satisfactorily completed forty (40) hours of POST-approved correction field training. ~~(7-1-05)T~~

04. Private Prison Contractor's Correction Officer Training Program. A graduate from an Idaho POST-certified private prison contractor's correction officer training program must also submit a completed POST Correction Officer Certification Packet. ~~(7-1-05)T~~

02654. CHALLENGING THE BASIC CORRECTION ACADEMY.

Any correction officer presently appointed by the Idaho Department of Correction or by a private

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prison contractor of the State Board of Correction who, within the last five (5) years, has been employed and certified or commissioned by another state or the federal government as a correction officer or a student who has satisfactorily completed a Basic Correction Academy equivalent to the Idaho POST Basic Correction Academy within the last three (3) years will be eligible for certification in the state of Idaho without attending the Basic Correction Academy, provided the officer: (7-1-05)T

01. Submission of Challenge Packet. Submits a POST Certification Correction Challenge Packet to POST Council, which must include copies of POST training records from other states to substantiate the officer's training; and transcripts, certificates, diplomas, or other documents that substantiate the officer's education and experience; (7-1-05)T

~~**02. Attends and Passes Legal Course.** Attends an approved course of study in Idaho correction legal issues and passes the POST Idaho correction legal issues exam;~~ (7-1-05)T

~~**03. Attends and Passes POST Certified Courses.** Attends and passes Idaho POST-certified courses in Arrest Techniques, Handgun Retention, and Practical Problems;~~ (7-1-05)T

042. Passes Required Tests. Passes the following tests administered by a POST Training Specialist: (7-1-05)T

a. The POST correction certification examination approved by the Council, conducted in the manner set forth in ~~IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council,"~~ Subsection 09753.02.b. of these rules; and (7-1-05)T

~~**b.** The POST Firearms Qualification Course; and~~ (7-1-05)T

~~**c.** The POST Correction Officer Physical Agility Test-Battery; and~~ (7-1-05)T(7-1-05)T

053. Completes Probationary Period. Completes his probationary period as required by Subsection 0253.01. (7-1-05)T(7-1-05)T

~~**02755. -- 0360.(RESERVED).**~~

061. MINIMUM STANDARDS FOR EMPLOYMENT FOR ADULT PROBATION AND PAROLE OFFICERS.

Every adult probation and parole officer must meet the minimum standards for employment as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Sections 050 through 063, with the exception of hearing, vision, and physical agility. (7-1-05)T

01. Hearing. An applicant for adult probation and parole officer certification must have unaided or aided hearing between zero (0) and twenty-five (25) decibels for each ear at the frequencies of one thousand (1000) Hz, two thousand (2000) Hz, and three thousand (3000) Hz. Waiver to the above may be considered by the Council if accompanied by an audiologist's or ear, nose, and throat physician's certification that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer. (7-1-05)T

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02. Vision.

(7-1-05)T

a. An applicant for adult probation and parole officer certification must possess normal binocular coordination; depth of proficiency of a minimum of one (1) minute of arc at twenty (20) feet; peripheral vision must be binocularly two hundred (200) degrees laterally with sixty (60) degrees upward and seventy (70) degrees downward. There must be no pathology of the eye; applicant must possess a minimum of seventy percent (70%) proficiency of the Dvorine or equivalent color discrimination test. Waiver to the above may be considered by the Council if accompanied by a vision specialist's certification that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer.

(7-1-05)T

b. The applicant must have uncorrected vision in each eye of no worse than twenty/two hundred (20/200) with the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but must have the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). A full eye examination must be administered by an optometrist or ophthalmologist to any applicant whose uncorrected vision in either eye is twenty/one hundred fifty (20/150) or worse. Waiver to the above may be considered by the Council if accompanied by a vision specialist's certification that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer.

(7-1-05)T

03. Physical Agility. An applicant for adult probation and parole officer certification must pass the POST Physical Agility Test for Adult Probation and Parole officers.

(7-1-05)T

03162. LAPSE OF ADULT PROBATION AND PAROLE OFFICER CERTIFICATION.

The certification of any adult probation and parole officer will be considered lapsed if the officer does not serve as an adult probation and parole officer in Idaho for three (3) consecutive years.

(7-1-05)T

01. Three to Five Years. An adult probation and parole officer who has been out of full-time adult probation and parole officer status from three (3) to five (5) years and who wants to be recertified must meet the following POST requirements:

(7-1-05)T

a. Submit a POST Certification Adult Probation and Parole Challenge Packet;

(7-1-05)T

~~**b.** Attend an approved course of study in Idaho adult probation and parole legal issues and pass the POST Idaho adult probation and parole legal issues exam;~~

~~(7-1-05)T~~

~~**eb.** Pass the following tests administered by a POST Training Specialist:~~

~~(7-1-05)T~~

i. The POST adult probation and parole certification examination approved by the Council, conducted in the manner set forth in *IDAPA 11-11.01, "Rules of the Idaho Peace Officer Standards and Training Council,"* Subsection 09753.02.b. *of these rules; and* ~~(7-1-05)T~~ ~~(7-1-05)T~~

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- ~~ii.~~ ~~The POST Firearms Qualification Course;~~ (7-1-05)T
- iii. The POST Adult Probation and Parole Officer Physical Agility Test ~~Battery~~; and (7-1-05)T(7-1-05)T
- ~~dc.~~ Satisfactorily complete a probationary period of not less than six (6) months. (7-1-05)T

02. Over Five Years. An adult probation and parole officer who has been out of full-time adult probation and parole officer status for over five (5) years must attend the POST Basic Adult Probation and Parole Academy to be recertified. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time adult probation and parole officer status, the officer was engaged in an occupation requiring adult probation and parole officer training, skill, and experience. This evidence must be submitted with a POST Certification Adult Probation and Parole Challenge Packet. Upon receiving a waiver, the officer must meet the following POST requirements: (7-1-05)T

~~a.~~ ~~Attend an approved course of study in Idaho adult probation and parole legal issues and pass the POST Idaho adult probation and parole legal issues exam;~~ (7-1-05)T

~~ba.~~ Attend and pass Idaho POST-certified courses in Arrest Techniques, ~~Handgun Retention~~, and Practical Problems; (7-1-05)T(7-1-05)T

~~eb.~~ Pass the following tests administered by a POST Training Specialist: (7-1-05)T

i. The POST adult probation and parole certification examination approved by the Council, conducted in the manner set forth in ~~IDAPA 11-11.01, "Rules of the Idaho Peace Officer Standards and Training Council,"~~ Subsection 09753.02.b. of these rules; and (7-1-05)T(7-1-05)T

~~ii.~~ ~~The POST Firearms Qualification Course;~~ (7-1-05)T

iii. The POST Adult Probation and Parole Officer Physical Agility Test ~~Battery~~; and (7-1-05)T(7-1-05)T

~~dc.~~ Satisfactorily complete a probationary period of not less than six (6) months. (7-1-05)T

03. Over Eight Years. An adult probation and parole officer who has been out of full-time adult probation and parole officer status for over eight (8) years must attend the POST Basic Adult Probation and Parole Academy to be recertified. No waiver of this requirement will be granted by the Council. (7-1-05)T

03263. ADULT PROBATION AND PAROLE OFFICER CERTIFICATION.

01. Mandatory Certification. Every adult probation and parole officer employed ~~on~~ ~~or~~ after July 1, 2005 must be certified by the Peace Officer Standards and Training Council within one (1) year after first being appointed unless granted additional time to complete certification by

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the POST Council as set forth in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 030.16. ~~(7-1-05)T~~(7-1-05)T

02. Voluntary Certification. Adult probation and parole officers employed prior to July 1, 2005, although specifically excluded by law from meeting the requirements set by the Council, may be certified provided they meet the minimum requirements for certification as prescribed in Sections 022, 061, and ~~03364~~ of these rules. However, the requirement for successful completion of the POST Basic Adult Probation and Parole Academy will be waived if the officer scores a minimum of seventy-five percent (75%) on the POST adult probation and parole certification examination approved by the Council. The applicant will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an officer fails both attempts or fails to retake the examination within six (6) months, he must successfully complete the POST Basic Adult Probation and Parole Academy to be certified. This option closes on June 30, 2007. ~~(7-1-05)T~~(7-1-05)T

~~03364~~. THE BASIC CERTIFICATE.

In addition to the requirements set forth in Sections 022 and 061 of these rules, the requirements in Section ~~03364~~ of these rules are necessary for award of the Basic Adult Probation and Parole Officer certificate. ~~(7-1-05)T~~(7-1-05)T

01. Probation. The applicant must have satisfactorily completed at least a six (6) month probationary period, which may include basic adult probation and parole academy time. The probationary period may be extended by the appointing agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the agency the officer is appointed to when applying for certification. The probationary period must not extend over one (1) year for certification purposes. ~~(7-1-05)T~~

02. Basic Training. The applicant must have satisfactorily completed the POST Basic Adult Probation and Parole Academy. ~~(7-1-05)T~~

03. Adult Probation and Parole Field Training Manual. The applicant must have satisfactorily completed forty (40) hours of POST-approved adult probation and parole field training. ~~(7-1-05)T~~

~~03465~~. CHALLENGING THE BASIC ADULT PROBATION AND PAROLE ACADEMY.

Any adult probation and parole officer presently appointed by the Idaho Department of Correction who, within the last five (5) years, has been employed and certified or commissioned by another state or the federal government as an adult probation and parole officer or a student who has satisfactorily completed a Basic Adult Probation and Parole Academy equivalent to the Idaho POST Basic Adult Probation and Parole Academy within the last three (3) years will be eligible for certification in the state of Idaho without attending the Basic Adult Probation and Parole Academy, provided the officer: ~~(7-1-05)T~~

01. Submission of Challenge Packet. Submits a POST Certification Adult Probation and Parole Challenge Packet to POST Council, which must include copies of POST training records from other states to substantiate the officer's training; and transcripts, certificates, diplomas, or other documents that substantiate the officer's education and experience; ~~(7-1-05)T~~

JUDICIARY AFFAIRS

IDAHO STATE POLICE

Rules for Correction, Adult Probation and Parole Officers

Docket No. 11-1104-0501 (New Chapter)

PENDING RULE

~~02. Attends and Passes Legal Course. Attends an approved course of study in Idaho adult probation and parole legal issues and passes the POST Idaho adult probation and parole legal issues exam; (7-1-05)T~~

032. Attends and Passes POST-Certified Courses. Attends and passes Idaho POST-certified courses in Arrest Techniques, ~~Handgun Retention~~, and Practical Problems; ~~(7-1-05)T~~(7-1-05)T

043. Passes Required Tests. Passes the following tests administered by a POST Training Specialist: ~~(7-1-05)T~~

a. The POST adult probation and parole certification examination approved by the Council, conducted in the manner set forth in ~~IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council,"~~ Subsection 09753.02.b. ~~of these rules; and (7-1-05)T~~(7-1-05)T

~~b. The POST Firearms Qualification Course; and (7-1-05)T~~

~~eb. The POST Adult Probation and Parole Officer Physical Agility Test-Battery; and (7-1-05)T~~(7-1-05)T

054. Completes Probationary Period. Completes his probationary period as required by Subsection 03364.01 of these rules. ~~(7-1-05)T~~(7-1-05)T

03566. -- 999. (RESERVED).

JUDICIARY AFFAIRS

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.01 - RULES GOVERNING ADMISSION, RESIDENCY, AND MAINTENANCE CHARGES IN IDAHO STATE VETERANS HOMES AND DIVISION OF VETERANS SERVICES ADMINISTRATIVE PROCEDURE

DOCKET NO. 21-0101-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 65-202, 65-204, and 66-907, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Volume 05-9, pages 235 and 236.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joseph S. Bleymaier, (208) 334-3513.

DATED this 5th day of October, 2005.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 65-202, 65-204, and 66-907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

JUDICIARY AFFAIRS

DIVISION OF VETERANS SERVICES**Docket No. 21-0101-0501****Residency and Maintenance Charges in Idaho State Veterans Home****PENDING RULE**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Currently, Division rules allow residents to possess certain types of knives. This rule change will eliminate the possession of any weapons.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joseph S. Bleymaier, 208-334-3513.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 4th day of August, 2005.

Joseph S. Bleymaier
Division Administrator
Idaho Division of Veterans Services
320 Collins Road, Boise, Idaho 83702
208-334-3513 and fax (208)334-2627

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

IDAPA 21.01.01, "Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure," incorporates by reference 5 U.S.C. Section 2108 (1) (a), (b) and (c) (~~June 13, 1951~~ October 31, 1998). Electronic copies are available at uscode.house.gov/uscaddr.htm. Printed copies are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954. (5-3-03)(____)

JUDICIARY AFFAIRS

DIVISION OF VETERANS SERVICES

Docket No. 21-0101-0501

Residency and Maintenance Charges in Idaho State Veterans Home

PENDING RULE

(BREAK IN CONTINUITY OF SECTIONS)

201. WEAPONS.

Weapons including, but not limited to, firearms, ammunition, straight razors, and knives ~~with two~~
~~(2) edged blades or blades longer than three (3) inches~~ are not allowed. ~~(3-30-01)(____)~~

JUDICIARY AFFAIRS

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.02 - RULES GOVERNING EMERGENCY RELIEF FOR VETERANS

DOCKET NO. 21-0102-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 65-203, 65-204, and 65-207, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Volume 05-9, page 237.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joseph S. Bleymaier, (208) 334-3513.

DATED this 5th day of October, 2005.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 65-203, 65-204, 65-207, Idaho Code

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation

JUDICIARY AFFAIRS

DIVISION OF VETERANS SERVICES
Rules Governing Emergency Relief for Veterans**Docket No. 21-0102-0501**
PENDING RULE

must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: Change 21.01.02.002 to reflect that the Division does not have written interpretations of its rules.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joseph S. Bleymaier, 208-334-3513.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 4th day of August, 2005.

Joseph S. Bleymaier
Division Administrator
Idaho Division of Veterans Services
320 Collins Road
Boise, Idaho 83702
208-334-3513 and fax (208)334-2627

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

002. WRITTEN INTERPRETATIONS.

~~In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Division of Veterans Services' office.~~ There are no written interpretations for this chapter. (4-6-05)()

JUDICIARY AFFAIRS

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.03 - RULES GOVERNING MEDICAID QUALIFIED UNITS IN IDAHO STATE VETERANS HOMES

DOCKET NO. 21-0103-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 65-202, 65-204, and 65-907, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 238 and 239.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joseph S. Bleymaier, (208) 334-3513.

DATED this 5th day of October, 2005.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 65-202, 65-204, 65-907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation

JUDICIARY AFFAIRS

DIVISION OF VETERANS SERVICES
Medicaid Qualified Units in Idaho State Veterans Homes

Docket No. 21-0103-0501
PENDING RULE

must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Change in Chapter 3 reflects Medicare certification in addition to Medicaid and makes all related changes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joseph S. Bleymaier, 208-334-3513.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 4th day of August, 2005.

Joseph S. Bleymaier
Division Administrator
Idaho Division of Veterans Services
320 Collins Road
Boise, Idaho 83702
208-334-3513 and fax (208)334-2627

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

001. TITLE AND SCOPE.

01. Title. These Rules shall be cited as IDAPA 21.01.03, "Rules Governing Medicare and Medicaid Qualified Units in Idaho State Veterans Homes". ~~(3-30-01)~~()

02. Scope. The provisions of this Chapter add to, but do not replace other rules governing the Idaho State Veterans Homes. These rules are intended to add those provisions necessary and advisable to facilitate Medicare and Medicaid eligibility for the ~~Veterans~~ Homes.

JUDICIARY AFFAIRS

DIVISION OF VETERANS SERVICES
Medicaid Qualified Units in Idaho State Veterans Homes**Docket No. 21-0103-0501**
PENDING RULE

To the extent there is a conflict between these rules and other rules governing the ~~Veterans~~ Homes, these rules supersede and have priority over such other rules. (~~3-30-01~~)(____)

03. Relationship to Policies and Procedures. The policies and procedures found within the Division of Veterans Services' policy and procedure manual are intended for the uniform guidance of employees and management of the Veterans Homes and to provide certain minimum standards of conduct by employees. However, such policies and procedures are neither contractual in nature nor, unlike these rules, do they have the force and effect of law. Management personnel, within the scope of their duties and employment, may deviate from the division's policies and procedures manual when the health and safety of Veterans Home residents, or special or unique circumstances, reasonably warrant such deviation. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

004. POLICY.

While those who are residents of the Veterans Homes on June 30, 2000, and before, are strongly encouraged to apply for Medicaid benefits, when such benefits may be available to them, it is the policy of the Division of Veterans Services, that participation in the Medicaid program shall be voluntary. Unless required by the legislature, no resident, who was continually a resident on and ~~after~~ before June 30, 2000, shall be required, against ~~their~~ the resident's will, to participate in the Medicaid program. (~~3-30-01~~)(____)

(BREAK IN CONTINUITY OF SECTIONS)

008. Medicare Eligibility.

If eligible for Medicare, an applicant or resident must elect to participate, unless participation is waived by the Home Administrator. (____)

~~008.~~ **009. (Reserved).**

JUDICIARY AFFAIRS

IDAPA 57 - SEXUAL OFFENDER CLASSIFICATION BOARD

57.01.01 - RULES OF THE SEXUAL OFFENDER CLASSIFICATION BOARD

DOCKET NO. 57-0101-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 18-8314, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Vol. 05-9, pages 312 through 317.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no fiscal impact on general funds for this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kathy Baird, Management Assistant, at (208) 658-2149.

DATED this 15th day of November, 2005.

Kathy Baird, Management Assistant
Sexual Offender Classification Board
1299 N Orchard St Suite 110
Boise, ID 83706
(208) 658-2149 phone
(208) 327-7102 facsimile

The Following Notice Was Published With The Proposed Rule

JUDICIARY AFFAIRS

SEXUAL OFFENDER CLASSIFICATION BOARD
Rules of the Sexual Offender Classification Board**Docket No. 57-0101-0501**
PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 18-8314, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

An incorporated reference to the Practice Standards and Guidelines for the Association for the Treatment of Sexual Abusers is updated in Section 004.

Specialized training requirements for psychosexual evaluators are moved from Section 040 to new Section 041 for further definition and clarity. The training standard for initial certification is increased to 200 hours within an unlimited timeframe prior to application.

Consistent with statutory language and intent, Section 060, Certified Evaluator Application, is modified, to indicate that application fees are non-refundable, and specifying adult client evaluation reports are to be submitted with evaluator applications.

Section 150 is amended to include that an offender's refusal to participate in a polygraph examination during the evaluation conducted for violent sexual predator review will not be considered as failure to participate.

FEE SUMMARY: There is no increase in fees imposed with this rulemaking.

FISCAL IMPACT: There is no fiscal impact on general funds for this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed language addresses housekeeping issues and clarifies existing approved language. This rulemaking also corrects an oversight in the number of specialized training hours that are required for initial psychosexual evaluator certification.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kathy Baird, Management Assistant, at (208) 658-2149.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 1st day of August, 2005.

JUDICIARY AFFAIRS

SEXUAL OFFENDER CLASSIFICATION BOARD
Rules of the Sexual Offender Classification Board

Docket No. 57-0101-0501
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules: (3-24-05)

01. “Association for the Treatment of Sexual Abusers Professional Code of Ethics, 2001 Edition.” This document is available from the Association for the Treatment of Sexual Abusers, 4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005. (3-24-05)

02. “Association for the Treatment of Sexual Abusers Practice Standards and Guidelines for the Evaluation, Treatment and Management of Adult Male Sexual Abusers, 2005 Edition.” This document is available from the Association for the Treatment of Sexual Abusers, 4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005. ()

023. “Bylaws of the American Polygraph Association, 2004 Edition.” This document is available from the American Polygraph Association National Office, PO Box 8037, Chattanooga, Tennessee 37414. (3-24-05)

03. ~~“Practice Standards and Guidelines for Members of the Association for the Treatment of Sexual Abusers, 2001 Edition.”~~ ~~This document is available from the Association for the Treatment of Sexual Abusers, 4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005.~~ (3-24-05)

04. The Sexual Offender Classification Board’s “Required Format for Psychosexual Evaluation Reports, November 2004 Revision”. This document is available from the board, and is posted on the board’s website. (3-24-05)

(BREAK IN CONTINUITY OF SECTIONS)

040. CERTIFIED EVALUATOR QUALIFICATIONS.

Each evaluator who performs an adult psychosexual evaluation pursuant to Sections 18-8316 and 18-8317, Idaho Code, must meet the qualifications as set forth in this section and be certified by the board. (3-24-05)

01. Credential. The credential of a certified evaluator must be in good standing with no currently pending disciplinary action by the issuing authority. The certified evaluator shall be a recognized professional, who specializes in evaluation, treatment, or both, of adult sexual offenders. (3-24-05)

02. Educational and Professional Qualifications. A certified evaluator must be: (3-24-05)

JUDICIARY AFFAIRS

SEXUAL OFFENDER CLASSIFICATION BOARD Rules of the Sexual Offender Classification Board

Docket No. 57-0101-0501
PENDING RULE

- a. A licensed psychiatrist pursuant to Title 54, Chapter 18, Idaho Code; or (3-24-05)
- b. A licensed masters or doctoral level mental health professional pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. (3-24-05)

03. Licensure. Idaho licensure is required pursuant to Section 18-8303, Idaho Code. A certified evaluator must maintain licensure by the appropriate Idaho licensing board for the duration of his evaluator certification. (3-24-05)

~~**04. Specialized Training.**~~ (3-24-05)

~~**a.** For initial certification, the certified evaluator applicant must have attended forty (40) hours of formal conferences, symposia, or seminars in the following areas as relevant to the treatment and evaluation of adult sexual offenders, within the preceding two (2) years:~~ (3-24-05)

- ~~i. Assessment and diagnosis of sexual offenders;~~ (3-24-05)
- ~~ii. Psychometric and psychophysiological testing;~~ (3-24-05)
- ~~iii. Psychopathology;~~ (3-24-05)
- ~~iv. Sexual offender risk assessment;~~ (3-24-05)
- ~~v. Counseling and psychotherapy;~~ (3-24-05)
- ~~vi. Cognitive therapy;~~ (3-24-05)
- ~~vii. Couples and family therapy;~~ (3-24-05)
- ~~viii. Family reunification;~~ (3-24-05)
- ~~ix. Pharmacological therapy;~~ (3-24-05)
- ~~x. Relationship and social skills training;~~ (3-24-05)
- ~~xi. Sexual offense relapse prevention;~~ (3-24-05)
- ~~xii. Social support networks; and~~ (3-24-05)
- ~~xiii. Victim awareness and empathy.~~ (3-24-05)

054. Experience Qualifications. For initial certification, the certified evaluator applicant shall have at least two thousand (2000) hours of adult sexual offender treatment and evaluation experience within the preceding ten (10) years. The two thousand (2000) hours must include: (3-24-05)

- a. At least two hundred fifty (250) hours of adult sexual offender evaluation experience; and (3-24-05)

JUDICIARY AFFAIRS

SEXUAL OFFENDER CLASSIFICATION BOARD Rules of the Sexual Offender Classification Board

Docket No. 57-0101-0501
PENDING RULE

b. At least two hundred fifty (250) hours of adult sexual offender treatment experience. (3-24-05)

~~06. Continuing Education Requirement. For certification renewal, the certified evaluator shall have attended forty (40) hours of formal conferences, symposia, or seminars relevant to the treatment and evaluation of adult sexual offenders within the preceding two (2) years. (3-24-05)~~

~~a. No more than ten (10) hours of continuing education units may be obtained from on-line educational sources during a two (2) year period. (3-24-05)~~

~~b. Any such on-line education must be from a recognized educational institution. (3-24-05)~~

~~c. Verification of program completion must be provided with the certification renewal application. (3-24-05)~~

075. Understanding. A certified evaluator shall have a thorough understanding of counter-transference issues and a broad knowledge of sexuality in the general population. A certified evaluator shall also have a good understanding of basic theories and typologies of sexual offenders and sexual assault victims. (3-24-05)

041. SPECIALIZED TRAINING.

01. Initial Certification Requirements. For initial certification, the certified evaluator applicant must have attended two hundred (200) cumulative hours of formal conferences, symposia, or seminars as outlined in Subsections 041.01.a. and 041.01.b. ()

a. One hundred (100) cumulative hours of training experience including all of the following topics: ()

i. Assessment and diagnosis of sexual offenders; ()

ii. Psychometric and psychophysiological testing; ()

iii. Psychopathology; and ()

iv. Sexual offender risk assessment. ()

b. One hundred (100) cumulative hours of training experience in any combination of topics identified in Subsections 041.01.b.i. through 041.01.b.ix. All such training experience must be directly relevant to the treatment and evaluation of adult sexual offenders. ()

i. Counseling and psychotherapy; ()

ii. Cognitive therapy; ()

JUDICIARY AFFAIRS

SEXUAL OFFENDER CLASSIFICATION BOARD
Rules of the Sexual Offender Classification Board**Docket No. 57-0101-0501**
PENDING RULE

- iii. Couples and family therapy; ()
- iv. Family reunification; ()
- v. Pharmacological therapy; ()
- vi. Relationship and social skills training; ()
- vii. Sexual offense relapse prevention; ()
- viii. Social support networks; and ()
- ix. Victim awareness and empathy. ()

02. Continuing Education Requirement. For certification renewal, the certified evaluator shall have attended forty (40) hours of formal conferences, symposia, or seminars relevant to the treatment and evaluation of adult sexual offenders within the preceding two (2) years. ()

a. No more than ten (10) hours of continuing education units may be obtained from on-line educational sources during a two (2) year period. ()

b. Any such on-line education must be from a recognized educational institution. ()

c. Verification of program completion must be provided with the certification renewal application. ()

~~041~~**042.** -- 049.(RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

060. CERTIFIED EVALUATOR APPLICATION.

01. Application for Initial Certification. An applicant seeking certified evaluator status must submit: (3-24-05)

a. A completed application on forms provided by the board, and accompanied by documents indicated in Subsection 060.02 of this rule; and (3-24-05)

b. A ~~non-refundable~~ application fee of seventy-five dollars (\$75) payable to the board. (~~3-24-05~~)()

02. Documentation. The certification application must be submitted to the board, accompanied by: (3-24-05)

JUDICIARY AFFAIRS

SEXUAL OFFENDER CLASSIFICATION BOARD
Rules of the Sexual Offender Classification Board

Docket No. 57-0101-0501
PENDING RULE

- a. Proof of professional licensure; (3-24-05)
- b. The assurances and release form; (3-24-05)
- c. Verification of educational, professional, and experience qualifications as established in Section 040 of these rules; and (3-24-05)
- d. Copies of two (2) psychosexual evaluation reports on separate adult clients, completed by the applicant within the past year. These evaluations must have names and identifying characteristics redacted, and may not have been submitted previously to the board. ~~(3-24-05)~~(____)

03. Certification Period, Posting Requirement, and Notification of Changes. Evaluator certification is effective for one (1) calendar year from the date of issue printed on the certificate, unless the certification is suspended or revoked. The evaluator certification applies only to the person named therein and is not transferable. The board must be notified in writing within thirty (30) days of any change in the certified evaluator's business address, phone number, or both. (3-24-05)

04. Expiration and Renewal of Certification. No certification shall be renewed, except as follows: (3-24-05)

- a. At least sixty (60) days prior to the expiration of the certification, the certified evaluator shall apply for renewal of the certification on forms provided by the board. (3-24-05)
- b. The renewal application must be accompanied by: (3-24-05)
 - i. Proof of professional licensure; (3-24-05)
 - ii. The assurances and release form; (3-24-05)
 - iii. Verification of continuing education participation as required in Subsection 040.05 of these rules; (3-24-05)
 - iv. A ~~non-refundable~~ application renewal fee of fifty dollars (\$50) payable to the board; and ~~(3-24-05)~~(____)
 - v. Copies of two (2) psychosexual evaluation reports on separate adult clients, completed by the applicant within the past year. These evaluations must have names and identifying characteristics redacted, and may not have been submitted previously to the board. ~~(3-24-05)~~(____)
- c. An evaluator who has not renewed his certification shall be removed from the evaluator roster thirty (30) days after his certification has expired. (3-24-05)
- d. An evaluator whose certification has been expired for less than one (1) year may reapply for certification by following the certification renewal process outlined in Subsection

JUDICIARY AFFAIRS

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060.04 of this rule. (3-24-05)

e. An evaluator whose certification has been expired for one (1) year or longer may reapply for certification by following the initial certification process outlined in Subsection 060.01 of this rule. (3-24-05)

i. The board may require a written and verifiable plan for supervised practice by a supervisor approved by the board. (3-24-05)

ii. The board shall determine the duration for supervised practice of a certified evaluator for certification purposes. (3-24-05)

(BREAK IN CONTINUITY OF SECTIONS)

150. EVALUATION FOR VIOLENT SEXUAL PREDATOR REVIEW.

The sexual offender referred to the board for VSP review shall be evaluated as set forth in Section 130 of these rules. (3-24-05)

01. Evaluation Process. (3-24-05)

a. The evaluator shall inform the sexual offender that the psychosexual evaluation is part of the board's review to determine if the offender should be designated as a VSP. (3-24-05)

b. The sexual offender shall have an opportunity for input at the time of the psychosexual evaluation. (3-24-05)

c. The board may ~~waive~~ request a polygraph examination. Refusal or declination to participate in a polygraph examination will not be considered as failure to cooperate as set forth in Section 151 of these rules. ~~(3-24-05)~~(____)